

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JIMMIE LEE SMITH, #57598,)
v. Plaintiff,)
PAUL RICHARDSON, STEPHEN MOON,) CIVIL ACTION NO.: 1:06-CV-981-WKW
and KEITH FITZGERALD,) “
Defendants.)

SPECIAL REPORT AND ANSWER

Come now defendants, **Corrections Officer Paul Richardson, Corrections Officer Stephen Moon and Corrections Officer Keith Fitzgerald**, in the above-styled cause and for Answer to plaintiff's Complaint, state as follows:

1. As to Paragraph 1 of plaintiff's Complaint, defendants assert that at this time they are without personal knowledge or information sufficient to form a belief as to the truth of the averments.
2. As to Paragraph 2 of plaintiff's Complaint, defendants assert that at this time they are without personal knowledge or information sufficient to form a belief as to the truth of the averments.
3. As to Paragraph 3 of plaintiff's Complaint, defendants deny that the constitutional rights of plaintiff have been violated and demand strict proof thereof.

4. As to Paragraph 4 of plaintiff's Complaint, defendants deny that plaintiff's constitutional rights have been violated at any time.

5. As to Paragraph 5 of plaintiff's Complaint, defendants deny that plaintiff's Constitutional rights have been violated. Defendant asserts that while in the Houston County Jail, plaintiff has never been wrongly deprived of a right protected by the United States Constitution and the court decisions interpretive thereof. For more complete factual information regarding plaintiff's Complaint and defendants' response thereto, please refer to the **Affidavits of Corrections Officer Paul Richardson, Corrections Officer Stephen Moon, Corrections Officer Keith Fitzgerald, Corrections Officer Stephanie Edelstein and Kristin E. Rocco** (Exhibits "1", "2", "3", "4" and "5" respectively).

6. As to Paragraph 6 of plaintiff's Complaint, defendants assert that the plaintiff is not entitled to any relief from this Court as there has been no violation, constitutional or otherwise.

AFFIRMATIVE AND ADDITIONAL DEFENSES

FIRST DEFENSE

Plaintiff's Complaint and the claims therein, or alternatively portions thereof, fail to state a claim upon which relief can be granted.

SECOND DEFENSE

Any allegations of plaintiff's Complaint not explicitly admitted herein are denied and strict proof is demanded to support such allegations.

THIRD DEFENSE

Plaintiff is not entitled to any award of punitive damages should this complaint be construed to request them.

FOURTH DEFENSE

Defendants assert that cities and counties are absolutely immune from punitive damages under §1983. City of Newport v. Fact Concerts, Inc., 453 U.S. 247, 271 (1981).

FIFTH DEFENSE

Plaintiff is not entitled to any relief requested in the Complaint.

SIXTH DEFENSE

There is no causal relation between the acts of the defendants and any injury or damage allegedly suffered by the plaintiff.

SEVENTH DEFENSE

Plaintiff's injuries and damages, if any, were a result or consequence of supervening, independent or intervening conduct, events or acts by other persons or entities over whom defendants had no control or right of control.

EIGHTH DEFENSE

Defendants affirmatively aver that all of their actions were taken in good faith. Plaintiff cannot recover based upon plaintiff's conclusory, unsupported, bareboned and vague allegations against defendants as they are unsupported by fact or law.

NINTH DEFENSE

The allegations contained in plaintiff's Complaint against the defendants, sued in their individual capacity, fail to comply with the heightened specificity requirement of Rule 8 in § 1983 cases against persons sued in their individual capacities. See Olaideinde v. City of Birmingham, 963 F.2d 1481, 1485 (11th Cir. 1992); Arnold v. Board of Educ. of Escambia County, 880 F.2d 305, 309 (11th Cir. 1989).

TENTH DEFENSE

Defendants affirmatively deny any and all alleged claims by the plaintiff concerning his alleged deprivation of civil rights.

ELEVENTH DEFENSE

Should the plaintiff's complaint be construed to state claims under Alabama law, all state claims against defendants in their official capacity are barred because the Eleventh Amendment to the United States Constitution prohibits federal courts from hearing state law claims against state officials under the Doctrine of Pendant Jurisdiction. Pennhurst State School and Hospital v. Halderman, 465 U.S. 89, 117-121 (1984).

TWELFTH DEFENSE

All federal claims against defendants in their official capacity are barred by the Eleventh Amendment of the United States Constitution.

THIRTEENTH DEFENSE

In addition to defendants Eleventh Amendment argument, they further contend that they are not "persons" within the meaning of 42 U.S.C. § 1983. The plaintiff, by suing defendants in their official capacity, is seeking damages from the State of Alabama. Neither a state, nor its officials, as sued in their official capacities are "persons" under 42 U.S.C. § 1983. Will v. Michigan Dept. of State Police, 109 S.Ct. 2304, 2312 (1989) and Hafer v. Melo, 502 U.S. 21, 22-23 (1991).

FOURTEENTH DEFENSE

Defendants assert the defense of qualified immunity. Further, defendants plead the privileges, qualified immunities, substantive immunities, state law immunities, absolute immunities, defenses and good faith immunities given to officers of the law, governmental entities or otherwise

in the above styled cause. Defendants state that any action taken by them was made in good faith and in the performance of their duty as Sheriff, Deputy, Officer or Sheriff Department Employee of Houston County, Alabama.

FIFTEENTH DEFENSE

Defendants assert and plead the defense of substantive or state law immunity under the law of the State of Alabama.

SIXTEENTH DEFENSE

Defendants assert and plead sovereign immunity provided by Alabama Constitution 1901, Article I, §14.

SEVENTEENTH DEFENSE

Defendants assert that the allegations within the Complaint and the facts as will be developed are insufficient to invoke the jurisdiction of this Court.

EIGHTEENTH DEFENSE

Plaintiff's Complaint does not allege a violation of rights secured by the United States Constitution.

NINETEENTH DEFENSE

Defendants plead and assert the statutory immunity provided by Act of the Alabama Legislature, designated as *Act Number 94-640*, effective April 26, 1994, and Codified as *Ala. Code § 6-5-338*, which provides absolute immunity to all peace officers and governmental units.

TWENTIETH DEFENSE

That the plaintiff has failed to exhaust his administrative remedies as mandated by the Prison Litigation Reform Act amendment to *42 U.S.C. § 1997e(a)*. Specifically, plaintiff has filed this lawsuit against defendants who are state officers without first exhausting his administrative remedies by filing a claim with and proceeding before the Alabama State Board of Adjustments as required by *Ala. Code § 41-9-60*.

TWENTY-FIRST DEFENSE

That the Prison Litigation Reform Act amendment to *42 U.S.C. §1997e(c)* mandates the dismissal of plaintiff's claims herein as this action is frivolous, malicious, fails to state a claim upon which relief can be granted or seeks money damages from defendants who are entitled to immunity.

TWENTY-SECOND DEFENSE

That the plaintiff does not plead or otherwise specifically show a physical injury as required by *42 U.S.C. §1997e(e)* which provides that

No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

TWENTY-THIRD DEFENSE

That the plaintiff failed to comply with *28 U.S.C. §1915* with respect to the requirements and limitations inmates must follow in filing in forma paupers actions in federal court.

TWENTY-FOURTH DEFENSE

That, pursuant to *28 U.S.C. §1915(f)*, plaintiff be required to make payment for all court costs in this matter in the same manner as provided for filing fees in *28 U.S.C. §1915(a)(2)*.

TWENTY-FIFTH DEFENSE

Pursuant to *28 U.S.C. §1915A*, this court is requested to screen and dismiss this case, as soon as possible, either before or after docketing, as this case is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks money damages from defendants who are state officers entitled to immunity. These same standards are continued and provided for in *42 U.S.C. §1997e(c)*.

TWENTY-SIXTH DEFENSE

Defendants assert the affirmative defense of the contributory negligence of plaintiff.

TWENTY-SEVENTH DEFENSE

Defendants assert the affirmative defense of the assumption of the risk by plaintiff.

TWENTY-EIGHTH DEFENSE

Defendants assert the truth as a defense in this case.

TWENTY-NINTH DEFENSE

Defendants assert the affirmative defense of waiver which constitutes an avoidance or affirmative defense in this action.

THIRTIETH DEFENSE

Defendants deny that they breached a duty or obligation owed to the plaintiff.

THIRTY-FIRST DEFENSE

Should plaintiff's claims be construed as claims for punitive damages, the defendants allege that:

1. Plaintiff's claims for punitive damages are prohibited by the due process clauses of the Fifth and Fourteenth Amendments to the United States Constitution and Article I Section 6 of the Alabama Constitution.

2. Plaintiff's claims for punitive damages are prohibited by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and Article I, Section 6, 1 and 22 of the Alabama Constitution.

3. Plaintiff's claims for punitive damages are prohibited under the Contract Clause of Article I, Section 10 of the United States Constitution.

4. Plaintiff's claims for punitive damages violate the Due Process Clause of the Fourteenth Amendment of the United States Constitution that the claims for punitive damages are vague and not rationally related to any legitimate government interests.

5. Plaintiff's claims for punitive damages violate the Sixth Amendment of the United States Constitution in that the claims for punitive damages are claims which are penal in nature, entitling the defendants to the same procedural safeguards accorded to a criminal defendant under the Sixth Amendment.

6. Plaintiff's claims for punitive damages violate the Self Incrimination Clause of the Fifth Amendment of the United States Constitution in that the damages claimed are penal in nature while the defendants are required to disclose documents and/or other evidence without safeguard against self-incrimination set out in the Fifth Amendment.

7. Plaintiff's claims for punitive damages violate the Fifth Amendment of the United States Constitution, which prohibits deprivation of life, liberty or property except by due process of

law and that the claims for punitive damages are vague and not rationally related to any legitimate government interest.

8. Plaintiff's claims for punitive damages violate the rights guaranteed by the United States Constitution in that the claim for punitive damages is penal in nature for which the burden of proof on plaintiff is less than the "beyond a reasonable doubt" standard required in criminal cases.

9. Plaintiff's claims for punitive damages are unconstitutional under the Constitution of the State of Alabama which provides in Article I, Section 6, that no person shall be deprived of life, liberty or property, except by due process of law, and that the punitive damages claimed are vague and not rationally related to any legitimate governments interests.

10. Plaintiff's claims for punitive damages are unconstitutional under the Constitution of the State of Alabama which provides in Article I, Section 6, that no person shall be deprived of life, liberty or property, except by due process of law, in that the punitive damages claimed which are penal in nature, require a burden of proof on the plaintiff which is less than a "beyond a reasonable doubt" burden of proof required in criminal cases.

11. Plaintiff's claims for punitive damages are unconstitutional under the Constitution of the State of Alabama in that they violate Article I, Section 6, by claiming punitive damages which are penal in nature while the defendants are compelled to disclose documents and/or other evidence without a constitutional safeguard against self-incrimination.

THIRTY-SECOND DEFENSE

Should the plaintiff's complaint be construed to claim punitive damages, plaintiff's claims for punitive damages are barred by the provisions of *Ala. Code §§ 6-11-20, 6-11-21, 6-11-26 and 6-11-27.*

THIRTY-THIRD DEFENSE

Defendants are entitled to immunity under state law from any state law claims deemed to be asserted by the plaintiff.

THIRTY-FOURTH DEFENSE

Defendants are immune from punitive damages under *42 U.S.C. § 1983 and 42 U.S.C. § 1985.*

THIRTY-FIFTH DEFENSE

To the extent that plaintiff's claims are premised upon a *respondeat superior* theory, said claims are due to be dismissed because the plaintiff cannot recover for claims which are premised upon a *respondeat superior* theory.

THIRTY-SIXTH DEFENSE

The plaintiff cannot recover against defendants in this case because Alabama law provides sufficient due process remedies for the allegations made by plaintiff herein and such remedies are constitutionally adequate.

THIRTY-SEVENTH DEFENSE

The Sheriff and his corrections officers are state officers and are policy makers for the State of Alabama. Under the Alabama Constitution of 1901, sheriffs are specifically designated as *state*

executive officials. *Id.* § 112 ("The executive department shall consist of a governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, superintendent of education, commissioner of agriculture and industries, and a sheriff for each county.") "[A]n Alabama Sheriff acts exclusively for the state rather than for the county in operating a county jail." Turquitt v. Jefferson County, Ala., 137 F.3d 1285 (11th Circuit 1998) (en banc).

THIRTY-EIGHTH DEFENSE

Defendants assert that plaintiff's Complaint is frivolous and filed in bad faith solely for the purpose of harassment and intimidation and request this Court pursuant to 42 U.S.C. § 1988 to award defendants reasonable attorneys fees and costs incurred in the defense of this case.

Defendants respectfully request this court to treat this Special Report and Answer as Motion for Summary Judgment.

Respectfully submitted,

SHERMER, JONES & TERRY, P.C.

s/Gary C. Sherrer
 GARY C. SHERMER, ATTORNEY FOR
 THE ABOVE-REFERENCED DEFENDANTS
 Alabama Attorney Code No. SHE-016

OF COUNSEL:

SHERMER, JONES & TERRY, P.C.
 335 WEST MAIN STREET
 DOTHAN, ALABAMA 36301
 (334) 678-0100

CERTIFICATE OF SERVICE

I, Gary C. Sherrer, do hereby certify that I have served a copy of the foregoing upon Jimmie Lee Smith, #57598, c/o The Houston County Jail, 901 East Main Street, Dothan, Alabama 36301, by placing a copy of same in the United States Mail, postage prepaid and properly addressed on this the 12th day of December, 2006.

s/Gary C. Sherrer
OF COUNSEL

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JIMMIE LEE SMITH, #57598,)
Plaintiff,)
v.) CIVIL ACTION NO.: 1:06-CV-981-WKW
PAUL RICHARDSON, STEPHEN MOON,)
and KEITH FITZGERALD,)
Defendants.)

AFFIDAVIT

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority for administering oaths, personally appeared **Paul D. Richardson** who is a Corrections Officer serving as a Corrections Officer with the Houston County Sheriff's Department, who being by me first duly sworn, deposes and says as follows:

My name is Paul D. Richardson, and I am over the age of nineteen (19) years and a resident of Houston County, Alabama.

I am presently employed by Houston County Sheriff's Department as a Corrections Officer serving as a Corrections Officer with the Houston County Sheriff's Department and was so employed at all times material to this lawsuit. My principal duties involve the administration of the Houston County Jail. I have personal knowledge of the facts and information contained herein.

Because of the recent problems the jail has encountered with contraband including but not limited two fire arms being smuggled into the jail, it is the policy of the jail to do a non-contact visual body and full clothing search of any inmate who has been outside of secured areas of the jail. At approx 10:48 p.m. on October 18, 2006, I was taking the plaintiff and another inmate to their cells from their duties in the jail laundry. Because the plaintiff and the other inmate had been outside of their Pod or cell block and had been working in an unsecured area of the jail, I directed the inmates to one of the storage room areas to have them disrobe and hand me their clothing to search. As a part of the search, we have them hold their arms out to check their arm pits, we have them turn around, squat and cough, we have them open their mouths so that we can look into their mouths and we check the bottoms of their feet. No touching of the inmate takes place. This procedure is required of all inmates that work in unsecured areas of the jail as trustees.

In order to perform the required search, I instructed both the plaintiff and the other inmate to go to the supply room to be searched. The plaintiff refused to go to the supply room. I instructed the inmate to go to the supply room more than three times. The plaintiff continued to refuse, was belligerent, uncooperative, was shouting profanity and was shaking his hand and finger at me in a threatening manner. At no time was the plaintiff otherwise physically restrained by handcuffs or leg restraints. Apparently Officer Moon overheard the plaintiff's shouting and came to my assistance. After Officer Moon arrived, Officer Moon along with myself told the plaintiff that he was no different from any other inmate and that he was going to be searched. The plaintiff again refused to comply and continued to shout and be uncooperative. The plaintiff was again ordered to the supply room across from the laundry room. At that point the plaintiff went into the supply room as he was ordered.

In the supply room, I ordered the plaintiff to begin removing his clothing and to submit to the search. The plaintiff again refused saying that he was not going to do it. I again ordered the plaintiff to submit to the search and the plaintiff again refused to do so. At that point, both Officer Moon and I pulled our tasers. Officer Moon called for additional backup requesting that Officer Fitzgerald report to our location and that we had a noncompliant inmate.

As Officer Fitzgerald arrived, Officer Moon gave the plaintiff a third order to comply adding that the plaintiff "will not be told again -- this is your final compliance order." Again the plaintiff remained noncompliant, uncooperative, belligerent and continued to shout that "he was not doing sh-t, I want a sergeant down here now." At that time Officer Moon and I activated our tasers and I deployed my taser. One of the taser prongs hit the plaintiff in his right middle finger and the other prong hit him in the left hip apparently in the fold of his uniform and did not make contact with him. Apparently my taser misfired for the plaintiff was not incapacitated and did not go down to the floor. All of the officers present ordered the plaintiff to get down on the floor at which time the plaintiff complied and got down on the floor. When the plaintiff was ordered to get up off the floor, the inmate again refused repeatedly to get off the floor and at that time Officer Fitzgerald was forced to remove the projectile air cartridge from his taser and hold the "drive stun" contacts against the plaintiff with the threat that he would discharge the taser if the plaintiff continued to refuse to get up off the floor. At that time the plaintiff got up off the floor.

Officer Fitzgerald took the plaintiff to the medical clinic where the plaintiff was checked for any injuries and was also searched by Officer Fitzgerald while in the medical clinic before the plaintiff was returned to his Pod. I filled out the use of force report/incident report and turned it into my supervisor for review.

My decision to discharge my taser against the actions of the plaintiff in this situation was made as an alternative to the use of other force that would have otherwise been necessary to get the plaintiff to comply. If I had not had the use of my taser, other force such as the use of pepper spray or direct contact force would have been necessary due to the actions of the plaintiff and his refusal to comply with repeated orders to submit to the required search.

With regard to the plaintiff's claims that he was discriminated against based upon his sexual orientation and race, those claims are without basis. All inmates of all races and sexual orientations are required to submit to the search required of the plaintiff if they are allowed to work or otherwise be out of secured areas of the jail. With regard to the plaintiff, I as well as the other officers knew prior to this event, that the plaintiff had been caught on more than one occasion with contraband and had been caught trying to pass contraband from one Pod to another Pod.



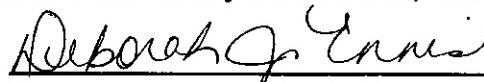
PAUL D. RICHARDSON

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **Paul D. Richardson**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of his information, knowledge and belief.

Sworn to and subscribed before me on this the 12th day of December, 2006.



NOTARY PUBLIC

My Commission Expires: 12-9-2008

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JIMMIE LEE SMITH, #57598,)
Plaintiff,)
v.) CIVIL ACTION NO.: 1:06-CV-981-WKW
PAUL RICHARDSON, STEPHEN MOON,)
and KEITH FITZGERALD,)
Defendants.)

AFFIDAVIT

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority for administering oaths, personally appeared **Stephen B. Moon** who is a Corrections Officer with the Houston County Sheriff's Department, who being by me first duly sworn, deposes and says as follows:

My name is Stephen Moon, and I am over the age of nineteen (19) years and a resident of Houston County, Alabama.

I am presently employed by Houston County Sheriff's Department as a Corrections Officer with the Houston County Sheriff's Department and was so employed at all times material to this lawsuit. My principal duties involve the administration of the Houston County Jail. I have personal knowledge of the facts and information contained herein.

Because of the recent problems the jail has encountered with contraband including but not limited two fire arms being smuggled into the jail, it is the policy of the jail to do a non-contact visual body and full clothing search of any inmate who has been outside of secured areas of the jail. At approx 10:48 p.m. on October 18, 2006, Officer Richardson was taking the plaintiff and another inmate to their cells from their duties in the jail laundry. Because the plaintiff and the other inmate had been outside of their Pod or cell block and had been working in an unsecured area of the jail, Officer Richardson directed the inmates to one of the storage room areas to have them disrobe and hand him their clothing to search. As a part of the search, inmates are required to hold their arms out for their arm pits to be checked, are required to turn around, squat and cough, are required to open their mouths so that this officer can look into their mouths and the bottoms of their feet are also checked. No touching of the inmate takes place. This procedure is required of all inmates that work in unsecured areas of the jail as trustees.

In order to perform the required search, Officer Richardson instructed both the plaintiff and the other inmate to go to the supply room to be searched. The plaintiff refused to go to the supply room. Officer Richardson instructed the inmate to go to the supply room more than three times. The plaintiff continued to refuse, was belligerent, uncooperative, was shouting profanity and was shaking his hand and finger at Officer Richardson in a threatening manner. At no time was the plaintiff otherwise physically restrained by handcuffs or leg restraints. I overheard the plaintiff shouting and came to Officer Richardson's assistance. After I arrived, Officer Richardson and I told the plaintiff that he was no different from any other inmate and that he was going to be searched. The plaintiff again refused to comply and continued to shout and be uncooperative. The plaintiff was again ordered to the supply room across from the laundry room. At that point the plaintiff went into the

supply room as he was ordered.

In the supply room, Officer Richardson and I ordered the plaintiff to begin removing his clothing and to submit to the search. The plaintiff again was belligerent, shouting and refused, saying that he was not going to do it. Officer Richardson again ordered the plaintiff to submit to the search and the plaintiff again refused to do so. At that point, both Officer Richardson and I pulled our tasers. I called for additional backup requesting that Officer Fitzgerald report to our location and that we had a noncompliant inmate.

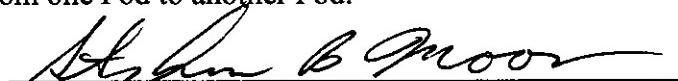
As Officer Fitzgerald arrived, Officer Richardson and I gave the plaintiff a third order to comply adding that the plaintiff "will not be told again -- this is your final compliance order." Again the plaintiff remained noncompliant, uncooperative, belligerent and continued to shout that "he was not doing sh-t, I want a sergeant down here now." At that time Officer Richardson and I activated our tasers and Officer Richardson deployed his taser. One of the taser prongs hit the plaintiff in his right middle finger and the other prong hit him in the left hip apparently in the fold of his uniform and did not make contact with him. Apparently the taser misfired for the plaintiff was not incapacitated and did not go down to the floor. All of the officers present ordered the plaintiff to get down on the floor at which time the plaintiff complied and got down on the floor. When the plaintiff was ordered to get up off the floor, the inmate again refused repeatedly to get off the floor and at that time Officer Fitzgerald was forced to remove the projectile air cartridge from his taser and hold the "drive stun" contacts against the plaintiff with the threat that he would discharge the taser if the plaintiff continued to refuse to get up off the floor. At that time the plaintiff got up off the floor.

Officer Fitzgerald took the plaintiff to the medical clinic where the plaintiff was checked for any injuries and was also searched by Officer Fitzgerald while in the medical clinic before the

plaintiff was returned to his Pod. Officer Richardson filled out the use of force report/incident report and turned it into his supervisor for review.

Officer Richardson's decision to discharge his taser against the actions of the plaintiff in this situation was made as an alternative to the use of other force that would have otherwise been necessary to get the plaintiff to comply. If he had not had the use of his taser, other force such as the use of pepper spray or direct contact force would have been necessary due to the actions of the plaintiff and his refusal to comply with repeated orders to submit to the required search.

With regard to the plaintiff's claims that he was discriminated against based upon his sexual orientation and race, those claims are without basis. All inmates of all races and sexual orientations are required to submit to the search required of the plaintiff if they are allowed to work or otherwise be out of secured areas of the jail. With regard to the plaintiff, I as well as the other officers knew prior to this event, that the plaintiff had been caught on more than one occasion with contraband and had been caught trying to pass contraband from one Pod to another Pod.



Stephen B. Moon
STEPHEN B. MOON

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **Stephen B. Moon**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of his information, knowledge and belief.

Sworn to and subscribed before me on this the 12th day of December, 2006.



Deborah J. Ennis
NOTARY PUBLIC
My Commission Expires: 12-9-2008

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JIMMIE LEE SMITH, #57598,)
Plaintiff,)
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PAUL RICHARDSON, STEPHEN MOON,)
and KEITH FITZGERALD,)
Defendants.)

AFFIDAVIT

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority for administering oaths, personally appeared **Keith Fitzgerald** who is a Corrections Officer serving as a Corrections Officer with the Houston County Sheriff's Department, who being by me first duly sworn, deposes and says as follows:

My name is Keith Fitzgerald, and I am over the age of nineteen (19) years and a resident of Miller County, Georgia.

I am presently employed by Houston County Sheriff's Department as a Corrections Officer serving as a Corrections Officer with the Houston County Sheriff's Department and was so employed at all times material to this lawsuit. My principal duties involve the administration of the Houston County Jail. I have personal knowledge of the facts and information contained herein.

Because of the recent problems the jail has encountered with contraband including but not limited two fire arms being smuggled into the jail, it is the policy of the jail to do a non-contact visual body and full clothing search of any inmate who has been outside of secured areas of the jail.

On the evening of October 10, 2006, Officer Moon called for additional backup requesting that I report to his location and that they had a noncompliant inmate.

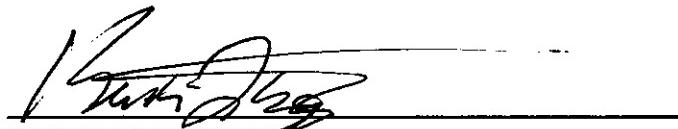
As I arrived, Officers Richardson and Moon gave the plaintiff a third order to comply adding that the plaintiff "will not be told again -- this is your final compliance order." Again the plaintiff remained noncompliant, uncooperative, belligerent and continued to shout that "he was not doing sh-t, I want a sergeant down here now." At that time Officers Richardson and Moon activated their tasers and Officer Richardson deployed his taser. One of the taser prongs hit the plaintiff in his right middle finger and the other prong hit him in the left hip apparently in the fold of his uniform and did not make contact with him. Apparently the taser misfired for the plaintiff was not incapacitated and did not go down to the floor. All of the officers present ordered the plaintiff to get down on the floor at which time the plaintiff complied and got down on the floor. When the plaintiff was ordered to get up off the floor, the inmate again refused repeatedly to get off the floor and at that time I was forced to remove the projectile air cartridge from my taser and hold the "drive stun" contacts against the plaintiff with the threat that I would discharge the taser if the plaintiff continued to refuse to get up off the floor. At that time the plaintiff got up off the floor.

I then took the plaintiff to the medical clinic where the plaintiff was checked for any injuries and I also searched the plaintiff while in the medical clinic before he was returned to his Pod

Officer Richardson's decision to discharge his taser against the actions of the plaintiff in this situation was made as an alternative to the use of other force that would have otherwise been

necessary to get the plaintiff to comply. If Officer Richardson had not had the use of his taser, other force such as the use of pepper spray or direct contact force would have been necessary due to the actions of the plaintiff and his refusal to comply with repeated orders to submit to the required search.

With regard to the plaintiff's claims that he was discriminated against based upon his sexual orientation and race, those claims are without basis. All inmates of all races and sexual orientations are required to submit to the search required of the plaintiff if they are allowed to work or otherwise be out of secured areas of the jail. With regard to the plaintiff, I as well as the other officers knew prior to this event, that the plaintiff had been caught on more than one occasion with contraband and had been caught trying to pass contraband from one Pod to another Pod.



KEITH FITZGERALD

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **Keith Fitzgerald**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of his information, knowledge and belief.

Sworn to and subscribed before me on this the 12th day of December, 2006.



Deborah J. Ervin
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and KEITH FITZGERALD,)
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Defendants.)

AFFIDAVIT

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority for administering oaths, personally appeared **Stephanie Edelstein** who is a Corrections Officer serving as a Corrections Officer with the Houston County Sheriff's Department, who being by me first duly sworn, deposes and says as follows:

My name is Stephanie Edelstein, and I am over the age of nineteen (19) years and a resident of Geneva County, Alabama.

I am presently employed by Houston County Sheriff's Department as a Corrections Officer serving as a Corrections Officer with the Houston County Sheriff's Department and was so employed at all times material to this lawsuit. My principal duties involve the administration of the Houston County Jail. I have personal knowledge of the facts and information contained herein.

I was working the control booth located in M, N and O Pods at the Houston County Jail on the night of October 18, 2006. I heard the plaintiff yelling that he did not want to be searched and that he wanted me to call the Sergeant. The plaintiff was belligerent, uncooperative and shouting as he refused numerous tries to submit to the search required for him to return to his Pod. I never opened the control booth door and did not intend to due to the hostile, belligerent, loud and uncooperative actions of the plaintiff.

Because of the plaintiff's actions, I got on the phone to request backup for Officer Richardson. As I was on the telephone, I heard a call for backup on the radio and later heard that the plaintiff had been tased due to his actions and refusal to comply with orders.

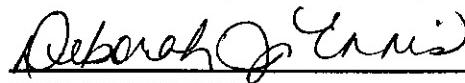


STEPHANIE EDELSTEIN

STATE OF ALABAMA,
HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **Stephanie Edelstein**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of her information, knowledge and belief.

Sworn to and subscribed before me on this the 12th day of December, 2006.



NOTARY PUBLIC
My Commission Expires: 12-9-2008

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JIMMIE LEE SMITH, #57598,)
Plaintiff,)
v.) CIVIL ACTION NO.: 1:06-CV-981-WKW
PAUL RICHARDSON, STEPHEN MOON,)
and KEITH FITZGERALD,)
Defendants.)

AFFIDAVIT

STATE OF ALABAMA,
HOUSTON COUNTY.

Before me, the undersigned authority for administering oaths, personally appeared **Lieutenant Kristin E. Rocco** of the Houston County Sheriff's Department, who is the Jail Administrator for the Houston County Sheriff, Houston County, Alabama, who being by me first duly sworn, deposes and says as follows:

I am Lieutenant Kristin E. Rocco and I am the Jail Administrator of the Houston County Jail, Houston County, Alabama and have been employed by the Houston County Sheriff since 1997. My principal duties involve the administration of the Houston County Jail. Unless otherwise indicated herein, I have personal knowledge of the facts and information contained herein. I make this

affidavit after review of the plaintiff's jail inmate file and the subject matter of plaintiff's Complaint in an attempt to address plaintiff's claims in this case. According to the Jail records, the plaintiff was at all times relevant to his claims, a post-conviction inmate.

The Houston County Jail, as a part of the Inmate Rules and Regulations, provides for an inmate Grievance Procedure. The plaintiff has filed numerous grievances, copies of which are contained in his jail medical file as if they relate to medical treatment and copies of which are contained in his jail inmate file as they relate to other matters. As his files reflect, the plaintiff was well versed in the filing of grievances and inmate request forms. According to his jail inmate file, the plaintiff filed five (5) inmate grievances related to non-medical issues. These non-medical grievances were addressed by the jail staff.

A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of the Inmate Rules of the Houston County Jail which contain the inmate instructions on filing a grievance are attached hereto as **Exhibit A** and are incorporated herein by reference as if fully set forth. A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of Policy Number E-301 of the Houston County Jail Policy and Procedure Directive relating to Inmate Rules and Regulations is attached hereto as **Exhibit B** and is incorporated herein by reference as if fully set forth. A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of Policy Number E-302 of the Houston County Jail Policy and Procedure Directive relating to Receipt of Inmate Rules and Regulations is attached hereto as **Exhibit C** and is incorporated herein by reference as if fully set forth. A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of the plaintiff's Jail Docket Cards showing that

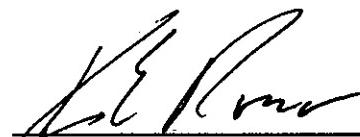
the plaintiff received a copy of the Inmate Rules are attached hereto as **Exhibit D**, and are incorporated herein by reference as if fully set forth. A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of an Inmate Grievance Form available to and as provided to inmates is attached hereto as **Exhibit E**, and is incorporated herein by reference as if fully set forth. A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of Policy Number E-401 of the Houston County Jail Policy and Procedure Directive relating to Inmate Grievances is attached hereto as **Exhibit F** and is incorporated herein by reference as if fully set forth.

Each time a taser is discharged in the Houston County Jail, the officer that discharges the taser is required to fill out a use of force report/incident report. A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of the use of force report/incident report resulting from the incident made the basis of Plaintiff's Complaint is attached hereto as **Exhibit G**, and is incorporated herein by reference as if fully set forth. I reviewed the use of force report/incident report and the attached statements and found the use of force in this situation to have been reasonably necessary and that the force used by the officers was reasonably proportionate to the difficult, tense, dangerous and uncertain situation faced by the officers in the situation made the basis of this lawsuit.

According to the jail records and reports from jail staff, while in the Houston County Jail the plaintiff was disciplined formally several times for various violations of the jail's rules and regulations and his file indicates that he not only knew how to appeal said decisions, but did in fact do so. Several of the Plaintiff's disciplinaries related to his having or attempting to pass contraband in the Jail.

I am one of the custodians of the records maintained by the Houston County Jail. A true and correct copy of the plaintiff's jail inmate file as maintained by the officers of the Houston County Jail in the ordinary course of the Jail's day to day business is attached hereto as **Exhibit H**, and is incorporated herein by reference as if fully set forth.

I have investigated the plaintiff's complaints in this lawsuit and have found them to be without basis.

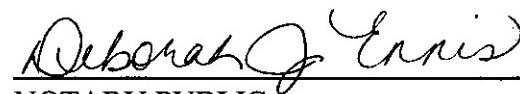


KRISTIN E. ROCCO

STATE OF ALABAMA,
HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **Kristin E. Rocco**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of her information, knowledge and belief.

Sworn to and subscribed before me on this the 12th day of December, 2006.



Deborah J. Ennis
NOTARY PUBLIC
My Commission Expires: 12-9-08

**HOUSTON COUNTY SHERIFF'S DEPARTMENT
JAIL DIVISON
LAMAR GLOVER, SHERIFF**

INMATE RULES

Order is essential to the safe and secure operation of the jail. Inmate Rules describe the expected behavior of all inmates. Inmates found in violation of rules will be subject to disciplinary action or criminal action depending on the type of violation. Some rule violations will subject the inmate, if found guilty, to sanctions or restriction of privileges. All inmates found guilty of rule violations have a right to appeal. Appeals must be submitted within 24 hours after receiving the sanction or restriction.

RULES

1. Uniforms (jump suits) will be worn at all times when an inmate is outside his/her cell. The uniform must be worn with the wording "Houston County Jail" on the outside, and the uniform must be buttoned completely. While in the recreation area, inmates may wear the uniform top down around their waist, but they must be wearing a T-shirt. However, females must wear a bra under their T-shirts. No bare skin will be exposed.
2. No foreign objects will be placed in the jail doors to keep the door open or prevent locking. All inmates housed in a cell will be required to keep the cell clean and free of debris.
3. No paper products or any other type product will be placed over cell windows, vents, doors, cell lights or on walls.
4. No inmate will behave in any manner that is disrespectful to any Sheriff's Department personnel, visitors, or other inmates.
5. No inmate will initiate any physical contact, assault or attempt to assault, nor perform any act that will endanger any Sheriff's Department personnel, or any other officer, inmate or visitor.
6. No inmate will waste, abuse, damage, or steal county property or personal property belonging to another inmate.
7. No inmate will incite any action that will threaten the safety or order of the jail.
8. No inmate will commit any lewd or indecent sexual act or exhibitions.

9. No inmate will possess or attempt to possess contraband either on his/her person, cell, or under his/her control to include testing positive for drugs or alcohol.

10. Inmates must maintain their cells and common areas in a clean, sanitary, and orderly condition.

11. No inmate will interfere with Sheriff's Department personnel, nor disobey an order or instructions given by Sheriff's Department personnel.

12. No inmate will leave his/her authorized area. Inmates must roll-in to their cells when told to do so. Females must be seated on their bunk.

13. Inmates must roll-in at all roll-in times. Inmates assigned to day room access must be on their mattress at all roll-ins.

14. No inmate will be allowed to wear a cap, scarf, hat, headrag, etc., or anything covering their hair or head.

15. No inmate will touch or place any item on the sprinkler head in their cell.

16. Inmates will not press the call buttons except in case of emergency.

17. No inmate will pass any item from one pod to another.

18. Inmates must wear identification arm band at all times.

DAILY SCHEDULE

1. Roll In/Roll Out times will be posted in the pod.

2. Inmates will roll-in at shift change times for inmate count and any other time when called by the officers.

3. Showers will be taken during the following hours: 1:00 P.M. - 2:30 P.M. and 3:30 P.M. - 8:30 P.M.

4. Religious services will be held on nights scheduled by the Jail Commander.

5. Meals will be served beginning at approximately the following times:
Breakfast - 5:00 A.M.
Lunch - 11:00 A.M.
Supper - 5:00 P.M.

Each inmate is responsible for getting their own tray. Cups will be taken up after the supper meal and returned at the breakfast meal.

PERSONAL ITEMS ALLOWED

A. Items Issued

Uniforms	Blanket
Mattress	Toothbrush
Mattress Cover	Comb
Laundry Bag	Soap
Towel	Toilet Paper
Bath Cloth	Toothpaste

B. Clothing Allowed to be Brought Into the Facility

1. Undergarments, 6 pair, white only
2. Socks, white only, 6 pair
3. T-shirts, (6) white only (no tank-tops or pockets)
4. Sweatshirt, or thermal underwear, 1 each, elastic waistband, no pockets
5. Shower shoes, 1 pair
6. Tennis shoes, 1 pair, no shoestrings. No boots, clogs or sandals - must be new
7. Bras, 3, white, no underwire

**C. Hygiene Products Allowed
(One Each)**

1. Stick deodorant
2. Bar soap (no liquid soap)
3. Shampoo (clear plastic bottle)
4. Hair grease/gel

All hygiene products must be the original container, clear plastic and must have see-through contents and original seal. Never opened. (See Inmate Hygiene Policy page 10)

D. Other Items Allowed

1. Legal papers
2. Personal letters (Not to exceed 10 letters)
3. Soft-back Bible
4. 2 legal pads, letter size, no wire binding
5. 25 envelopes with stamps
6. 2 pencils, lead
7. 2 pens (non-retractable, non-metal point, see-through) (no crayons, colored pencils, highlighters or markers allowed)

E. Commissary Purchases

1. Weekend visitors whose name appears on an inmate's visitation list may deposit commissary money only into the inmate commissary fund of the inmate being visited.
2. Cash money and only correct amount will be accepted.

Coins will not be accepted.

3. Only certified checks or money orders will be accepted through the mail.
4. Inmate workers assigned to outside duties will only be allowed to contribute to inmate workers fund on Saturdays and Sundays. Each inmate is allowed \$25.00 per week or \$5.00 per day. (Inmates are not permitted to have money in the pods or on their person.)

F. Acceptance of Personal Items

The personal clothing worn by an inmate at booking, along with other personal items that are not considered contraband, will be stored in the property room and given back to the inmate at release. The inmate must sign a property return receipt at release or transfer time. If considered contraband, i.e., cigarettes, lighters, it will be destroyed after 3 days if not picked up by family members.

G. Television

The televisions are provided in the facility for the convenience and entertainment of the inmate. The floor officer may change channels when he/she deems necessary. The television may be turned off or removed for disciplinary reasons at the discretion of the floor officer.

H. Cell Assignments and Institutional Living

The inmate's cell assignment is the responsibility of the Records and Classification Division. Inmates must return to their assigned cells at all roll-in times.

When the inmate leaves his/her cell for the dayroom, the bed must be made up neatly.

Personal items must be stored in the drawer underneath the bunk. Items will not be stored underneath the mattress. Inmates must not alter or destroy any lights, walls, fixtures, or plumbing located in a cell. Inmates assigned to cells without a drawer may place their items neatly at the foot of the bunk.

J. Jail Library

Library books are available once a week at the discretion of the Sergeant assigned library duty. Inmates may check out a maximum of two books per week.

K. Inmate Workers (Trustees)

1. Requirements for inmate workers:

- a. Inmate must be convicted.
- b. Inmate must not have a record of violence or sexual crimes or be a high risk.
- c. All inmates must be medically approved.
- d. The Jail Commander must approve all inmate workers.
- e. Inmate must not be convicted of manufacturing or trafficking in drugs.

2. Rules of inmate workers:

- a. Inmate workers must perform work duties as assigned.
- b. Workers must remain in work areas assigned and may be searched at any time.
- c. Outside workers must inform control of their duties and location at all times.
- d. Inmate workers must not enter control room or jailer's booth unless escorted.

L. Recreational Activities

Basketball goals have been installed in the recreation areas, and their use is determined by the Sergeant on duty, weather permitting.

M. Telephone Calls

- 1. Inmates will not receive any telephone calls, nor will any messages be forwarded for calls.
- 2. Legitimate emergency messages will be handled by the supervisor on duty.
- 3. The jail personnel will only give out the charge, amount of bond, or sentence regarding an inmate.
- 4. Inmates may make collect calls using the inmate telephone system located in the dayroom. These calls may be monitored or recorded.
- 5. Upon written request by inmate, the receptionist may call and leave a message for an attorney.
- 6. Inmates are not allowed to use a phone in the docket area except at the time of booking.
- 7. Upon written request by an inmate, the docket officer will call a bonding company of the inmate's choice.

N. Visitor Information

- 1. The Houston County Jail is a non-contact visiting jail. Only attorneys meeting in private conference with

inmate clients are allowed contact visits.

2. Inmates must complete a visitor list to see visitors. Visitors will not be allowed a visit if their name is not on the visiting cards, including children. Visiting list is restricted to only 8 names.
3. After 7 days, including entry day, the visitation list will not be changed, added to, or deleted, for a period of 60 days.
4. Visitors 16 years and older must present a current photo ID or driver's license before entry. Visitors under 16 years must have a social security card or a birth certificate, or be admitted at the discretion of the supervisor.
5. Only two (2) people, including children, will be allowed to visit per inmate. Visitors must come and leave together. Split visitation is not allowed.
6. For cause, the supervision of the jail may refuse an inmate's visitation privileges.
7. Visitor cards will be held by the visitation officer in the lobby. Times will be noted on the card.
8. Weekday visitation may be approved if proper identification and proof of residency is presented. Weekday visits will only be approved if the visitor shows proof that their residence is a minimum of 100 miles from the Houston County Jail. Out of town visits are for visitors who can not visit on regular visiting days and proof of the fact is presented. A visitor may not visit on the weekend and during the week day.
9. Inmates are not allowed visitors while serving time on lockdown or lock up time.
10. Visitors will be arrested and prosecuted for bringing or attempting to bring contraband into the jail.
11. Visitors will not wear mini skirts, shorts above the knee, halter tops, tank tops, spaghetti straps, strapless/slit dresses. No see-through clothing or low cut necklines will be worn. No visitor will wear any clothing that exposes the body to bare skin from the shoulders to the knees. Arms are excluded.

VISITING SCHEDULE

SATURDAY: 8:00 AM to 10:30 AM
 Pods M thru O, and female inmates,
 trustees and weekend dorms

SATURDAY: 1:00 PM to 3:30 PM
Pods I, J, K, L, holding and Nursing

SUNDAY: 8:00 AM to 10:30 AM
Pods A thru D

SUNDAY: 1:00 PM to 3:30 PM
Pods E thru H

MAIL

1. Letters will be inspected for contraband to ensure facility safety.
2. No hand-delivered mail or packages will be accepted. Envelopes larger than 5X7 will not be accepted.
3. Inmates may receive money orders through regular mail. The money order must be made payable to: Inmate Drawing Account, and must include the inmate's name and inmate number.
4. Mail received by the inmates will be documented, opened, and inspected before delivery to the inmate. Legal mail received by the inmate will be opened by the officer in the presence of the inmate but not read.
5. Outgoing mail will be taken up each morning by the corrections officer. Incoming mail will be delivered to the inmate daily.
6. All incoming and outgoing mail must have the sender's first and last name. No nicknames will be accepted. The envelope must bear the sender's complete address.

EXAMPLE: John Doe Pod A, B, C, D
901 East Main Street
Dothan, Alabama 36301

Jane Doe Pod Location
901 East Main Street
Dothan, Alabama 36301

LAW LIBRARY

The facility has a constitutionally accepted law library for inmate use. The inmate must submit a request to the sergeant on duty to visit the library. The sergeant will arrange for use of the library by pod designation. Inmates cannot remove any book from the library. The facility does not provide a librarian.

LIVING AREA REQUIREMENTS

- A. Inmate towel and bath cloth must be hung on the foot of the bed and be centered. The towel will be hung first and the bath cloth hung neatly on the top of the towel.
- B. Shoes will be placed underneath the right side of the bunk at the foot of the bunk with toes turned out.
- C. The bunk will be neatly made.
- D. Bunks will be in compliance from 8:00 AM to 9:00 PM Monday through Friday.
- E. On Saturday and Sunday, bunks will be in compliance from 10:00 AM to 9:00 PM.
- F. No items will be stored underneath the bunk except shoes. The inmate must keep his area clean and clear of litter.
- G. No items of any kind will be placed or stored on the window sill of the cell.

MEDICAL CARE

- A. Inmates are charged a co-pay for medical care at the jail. Inmate medical care is not free. Alabama law dictates that inmate medical service is free when the inmates "are unable to provide for themselves," (Code of Alabama 14-6-19).
- B. Inmate medical co-pay is taken from the inmate's commissary funds.
- C. The inmate will be charged a co-pay for each medical visit and each medical service based on the following fees:

Hospital Visit	\$20.00
Doctor Visit	\$20.00
Practioner Visit	\$20.00
LPN Visit	\$ 5.00
EMT Visit	\$ 2.00
Lab/X-Ray	\$20.00
Prescription (each)	\$10.00
Non-Prescription (each)	\$.50
Dental visit	\$20.00

- D. Inmates who request medical clearance to perform trustee duties and then refuse to work will be charged \$98.00, or actual cost, for their lab work.
- E. Inmates are not allowed to ask questions during medication pass.
- F. Med call is announced prior to the nurse arriving

in each area. Any inmate not standing in line by the door will forfeit their medication and be noted as being absent.

CHAPLAIN SERVICES

- A. The jail has a staff chaplain on part-time duty. However, a 24-hour call is maintained for inmates who request emergency service.
- B. Inmates must request chaplain service. Inmate request forms may be obtained from the corrections officer on duty.
- C. Inmates who are members of an established religious body may be visited by the clergy of the religious body at times listed, Monday thru Friday, during the hours:
 - 9:00 A.M. - 11:00 A.M.
 - 1:00 P.M. - 2:30 P.M.
 - 3:30 P.M. - 4:30 P.M.
 except during lock-up times or when the inmate is on disciplinary lockdown. At the discretion of the supervisor on duty, inmates on disciplinary lockdown may be visited by clergy.
- D. Clergy must show proof that they are ministers of an established religious body of which the inmate desiring a visit is a declared member and complete a visitation form provided by the jail facility before they are allowed visitation. Ministers are required to complete the visitation form only once.
- E. Pastoral visits are discouraged on Saturdays and Sundays due to weekend visitation except during emergency situations.
- F. Non-denominational services are held during the evenings on Monday, Tuesday, and Thursday, of each week. Other services and classes are held at the discretion of the chaplain.
- G. Attendance at religious services is not mandatory for the inmate. The privilege to attend religious services may be revoked by the supervisor on duty for misbehavior during the service or any violation of the inmate rules.
- H. Clergy who have family members that are incarcerated and a member of the clergy's religious body may visit the inmate once as clergy. The remaining visits will be on regular visiting time assigned to the inmate. Clergy will be any minister employed by the established religious organization.

HOUSTON COUNTY JAIL
POLICY AND PROCEDURE DIRECTIVE

INMATE HYGIENE

Date Issued: April 14, 2005

Date Effective: April 24, 2005

Revision Date: April 25, 2005

Policy Number: E-303

POLICY:

In order to promote the institutional goals of health, cleanliness, safety and security in the Houston County Jail, it is the policy of the Houston County Jail that except as may otherwise be specifically provided for herein, all inmates, male and female, shall adhere to this policy. Male inmates shall have hair no longer than one inch from their scalp. Additionally, female inmates shall have hair no longer than collar length. There will be no special hairstyles permitted. Furthermore, there shall be no facial hair greater than one-quarter inch (1/4") in length and fingernails shall be clipped to the tip of the finger. Each inmate shall shower daily; this includes shampooing the hair and a change in clothes. Inmates in food service shall wear a clean set of whites daily.

PROCEDURE:

During the initial booking process, inmates with a set bond, but who are otherwise incarcerated over night, are not subject to the haircut requirement, but they shall not refuse a bath using a delousing soap and shampoo if required by the jail staff. Any inmate booked into the jail without a set bond shall have to comply with all requirements of this policy during the initial booking phase.

A schedule for compliance with this policy shall be set from time to time by the Jail Commander or Jail Administrator.

In the event an inmate wishes to have their haircut shorter, they must fill out an inmate request form and return it to the appropriate staff.

In an additional effort to prevent the spread of infection to other inmates and employees, every cell and holding area, including dayrooms, must be decontaminated using germicidal agents and steam cleaning the showers, floors and walls. This procedure must be done a minimum of once a week for every space in the secure areas of the jail occupied by an inmate, including the docket. The mats used for sleeping must be sprayed with germicide **weekly**.

To ensure this policy is being followed, the ranking Sergeant will perform inspections as may be necessary. Any inmate in non-compliance with this policy is to be reported to the Jail Commander or Jail Administrator and shall be subject to appropriate disciplinary action.

GRIEVANCE PROCEDURE

01. In the event that an inmate has a grievance, this inmate will send a grievance form to the Senior Corrections Officer, who will investigate and answer the grievance, and will settle this issue. If this is not possible, the Jail Commander may hold a formal hearing.
02. The Senior Corrections Officer will hear all sides of the situation with a written statement or witnesses, as appropriate and render a decision. This inmate will be informed of the decision in writing. Actions taken will be documented.

INMATE RULES AND REGULATIONS

Date Issued: May 1, 1999

Policy Number: E-301

POLICY:

It is the policy of the Houston County Jail to advise inmates, in writing, of inmate rules and regulations.

PROCEDURE:

The jail will provide each inmate admitted to general population a copy of the inmate rules and regulations.

The inmate rules and regulations handout will be reviewed by the Jail Administrator and updated as necessary.

ACJS 13-001

RECEIPT OF INMATE RULES AND REGULATIONS

Date Issued: May 1, 1999

Policy Number: E-302

POLICY:

It is the policy of the Houston County Jail to inform all new inmates of the inmate rules and regulations.

PROCEDURE:

Prior to any inmate being placed in a regular housing unit of the jail, the jail will provide the inmate with a copy of the inmate rules and regulations.

If the inmate is unable to read the inmate rules and regulations, a jail officer will read them to him/her and document the event. In reading the rules and regulations, the staff member will explain each rule and regulation and answer any questions the inmate may have about the rules and regulations.

The jail officer will complete the Rules and Regulations Receipt form advising the inmate that he/she will be required to abide by those rules and regulations while an inmate in the Houston County Jail.

The inmate will then be required to sign the receipt form. If inmate refuses, the process will be documented and procedure continued.

The receipt form will be placed in the inmate's file.

7-6-5
1655HOUSTON COUNTY JAIL
JAIL DOCKET CARD

INMATE #	LAST NAME	FIRST	MIDDLE	MAIDEN	ALIAS	VICTIM NOTIFICATION	
57598 Smith	Timme	Jee					
ARRESTING AGENCY	DATE RECEIVED	TEMP RELEASE DATE	RETURN DATE	RELEASE DATE	HOW RELEASED		
OPD	7-4-05						
RISK	STATUS			FLOOR	CEM	DOCKET OFFICER	ARRESTING OFFICER
22	DOB 1-29-83	SSN 591-18-0251	RACE B	SEX M	HEIGHT 5'8	WEIGHT 130	CJ Russ Smith (Off. L. H. H. Williams)
ENTRANCE NC'D BY		ENTRANCE HOUSTON BY		ENTRANCE DPD/BX		FELONY CRIMINAL HISTORY BY	
New Q3		New J25		Exit Houston by			
EXIT NC'D BY				Exit DPD/BX		ATTORNEY	
HOLD 1	DATE/BY	HOLD RELEASE DATE/BY		HOLD 2		DATE/BY	HOLD RELEASE DATE/BY
	11/22/05						
HOLD 3	DATE/BY	HOLD RELEASE DATE/BY		HOLD 4		DATE/BY	HOLD RELEASE DATE/BY
ADDRESS		CITY	STATE	PROBATION/PAROLE OFFICER			
9380 103rd St. Lot 17		Jacksonville	Fl				
NEXT OF KIN	ADDRESS			CITY/STATE	PHONE	RELATION	
Patricia A. Smith	9380 103rd St. Lot 17			Jacksonville FL	904-603-3174	Mother	

REMARKS: 11-22-05 Copy of Warrant from Bonds/Chancery attached.

DID INMATE RECEIVE PHONE CALL? <input checked="" type="checkbox"/> IN <input type="checkbox"/>	DID INMATE RECEIVE JAIL RULES? <input checked="" type="checkbox"/> IN <input type="checkbox"/>
INMATE SIGNATURE <i>Timme Smith</i>	INMATE SIGNATURE <i>Jeanie Smith</i>

EXHIBIT D

INMATE #	NAME	WARRANT #	DOCTRINE	INDICTMENT #	CCCSDR	CONVICTION
CHARGE DFT 2nd	05-14340	05-2544	31	indt		
BOND 10,000				(0)1265-		
				To serve sentence		
				100		
CHARGE PFT 2nd	05-14339	05-2563	32			
BOND 10,000						
CHARGE PFT 2nd	05-14338	05-2562	33			
BOND 10,000						
CHARGE PFT 2nd	05-14337	05-2561	34			
BOND 10,000						
CHARGE PFT 2nd	05-14336	05-2560	35			
BOND 10,000						

INMATE GRIEVANCE FORM

Case 1:06-cv-00981-WKW-WC Document 7-7 Filed 12/12/2006 Page 16 of 27
DATE: _____ INSTITUTION: _____

NAME: _____

INMATE NUMBER: _____

NATURE OF GRIEVANCE OR INFORMATION:

_____WHAT DO YOU WANT TO HAPPEN TO SOLVE IT?

DATE HEARING: _____

COMMITTEE FINDING OR RESPONSE:

REFERRED TO: _____

POSITION: _____

CHAIRMAN: _____

MEMBER: _____

MEMBER: _____

WARDEN: _____

AGREE _____ DISAGREE: _____

(WITH COMMITTEE FINDINGS)

CHIEF WARDEN RESPONSE:

DATE GRIEVANCE FILED: _____

TIME FILED: _____

SHIFT COMMANDER: _____



INMATE GRIEVANCES

Date Issued: May 1, 1999

Policy Number: E-401

POLICY:

It is the policy of the Houston County Jail that inmates are permitted to submit grievances to the jail administration and that each grievance will receive a response.

PROCEDURE:

The Jail Administrator will devise a grievance form to be made available to all inmates on request. Grievance forms will be limited to one (1) per day per inmate.

Completed grievance forms will be delivered to the Jail Administrator through an appointed grievance officer, who will respond to the grievance.

The grievance response to the inmate will be in writing.

The decision of the Jail Administrator may be appealed to the Sheriff or designee, within seventy-two (72) hours of the receipt of the grievance decision.

HOUSTON COUNTY JAIL
INCIDENT/OFFENSE REPORT

Investigating Officer: <u>Yo Richardson</u>	Report No.
Offense/Incident: <u>NON-COMPLIANT inmate</u>	Page No. <u>1 of 2</u>
Place of Occurrence: <u>HCJ- Supply Room</u>	Date/Time of Occurrence: <u>10 / 18 /06 at 2251 hours</u>

Involved Inmates:

Offender 1: <u>Smith, Jimmie Lee</u>	Inmate # / Cell Assignment: <u>57598 M1</u>
Offender 2:	Inmate # / Cell Assignment:
Offender 3:	Inmate # / Cell Assignment:
Victim 1:	Inmate # / Cell Assignment:
Victim 2:	Inmate # / Cell Assignment:
Involved Officers: <u>Yo P. Richardson</u>	Rank / Assignment: <u>C/O / M-N-O</u>
<u>S. Moon</u>	Rank / Assignment: <u>C/O ROVER</u>
<u>K. FITZGERALD</u>	Rank / Assignment: <u>C/O DOCKET</u>
Witnesses: <u></u>	Inmate # / Cell Assignment:
	Inmate # / Cell Assignment:

Evidence: Marked, Tagged, Sealed YES NO

Nature of Evidence: USED TASER CARTRIDGE Turned Over to: Sgt. Bonin

Disposition: _____ Evidence: _____ Destroyed: _____ Turned In To S.O.

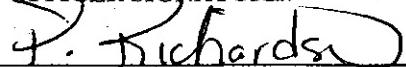
<u>Yo P. Richardson</u> Inv. Officer's Signature:	Approved By:	Disposition:
--	--------------	--------------

EXHIBIT G

NARRATIVE:

At approx. 2248 hr, I/m Smith & I/m Brown from laundry clothes, were told to go to the supply room to be searched. I/m Smith refused to go, I/m was told more than 3 times to go to the supply room, at that time Go Moon arrived at the door entering M-M-O. I/m Smith then walked out of the door, when we arrived at the supply room I/m Smith was told to go into the room, but he insisted that he talk with the Sgt. because he is a trustee. I/m was ordered twice more to enter the room. Once inside the room I ordered I/m Smith to remove his clothing for a strip search, I/m refused to comply. I/m was told 3 more times by myself & once by Go Moon. After the third order was given, I drew my TASER AND DISCHARGED. The tazer probes made contact in the I/m's left hand-middle finger & the second was located in the left upper hip. The second probe did not make contact in the I/m. I/m was ordered to the floor and which time %6 Fitzgerald entered the room, I/m complied. %6 Fitzgerald removed probes & I/m was taken to the clinic where pictures were taken & area of probe contact was cleaned and bandaid applied. I/m was then searched and I/m was escorted back to his pod.

OFFICER SIGNATURE:


PAGE 2 OF 2

SUPERVISORY TASER USE REPORT

Date/Time: 10/8/06-2300 TASER Officer's Name: COT. RICHARDSON

E-Mail: _____ Department: Houston County Jail

Dept. Address: 901 EAST Main Street Phone: (334) 712-0762

On Scene Supervisor: Sgt. Kirksey Officer(s) Involved: R. Richardson, S. Noon

TASER Model (check one): / TASER X26 ADVANCED TASER M26

If an ADVANCED TASER M26 Was Used, What Battery Type: Alkaline NiMH

Air Cartridge Type(s): / 21-ft Standard 21-ft XP 15-ft

TASER Serial #: XDD-174226 Medical Facility: _____ Doctor: _____

Nature of the Call or Incident: Non-Complaint Inmate Charges: _____ Booked Y / N

Type of Subject: / Human Animal

Location of Incident: () Indoor () Outdoor (✓) Jail () Hospital

Type of Force Used (Check all that apply): () Physical () Baton (✓) Impact Munition () Chemical () Firearm

Nature of the injuries and Medical Treatment Required: NO VISIBLE INJURIES

Admitted to hospital for Injuries Y N Admitted to Hospital for Psychiatric Y N

Medical Exam: Y N Suspect Under the Influence: Alcohol / Drugs (specify): NO

Was an Officer/Law Enforcement employee injured other than by TASER? Y N

Incident Type (circle appropriate response(s) below):

Civil Disturbance Suicidal Suicide by Cop Violent Suspect Barricaded Warrant Other

Age: 23 Sex: M Height: 5'08" Race: B Weight: 130

TASER use: (circle one) Success Failure

Suspect wearing heavy or loose clothes: Y N

Number of Air Cartridges Fired: 1

Number of cycles applied: 1

Usage (check one): () Arc Display Only () Laser Display Only (✓) TASER Application

TASER: Is this a dart probe contact? Y N

Is this a drive stun contact? Y N

Approximate target distance at the time of the dart launch: 8 feet

Distance between the two probes: 16 inches Need for additional shot? Y N

Did dart contacts penetrate the subject's skin? Y N

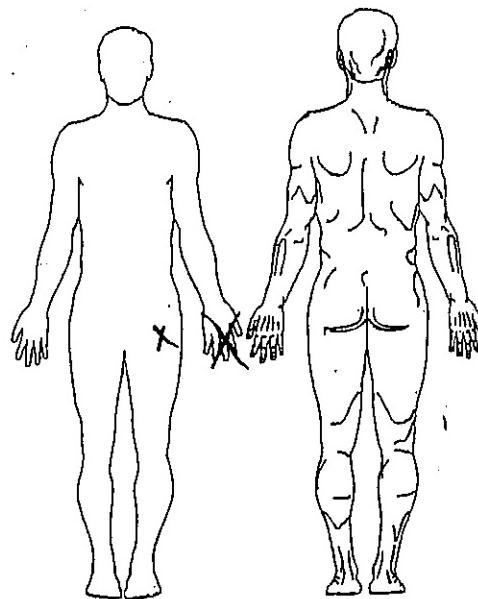
Probes removed on scene Y N

Did TASER application cause injury: Y N

If yes, was the subject treated for the injury: Y / N

DESCRIPTION OF INJURY:

APPLICATION AREAS
(Place "X's" where probes hit suspect AND "O's" where stunned)



SYNOPSIS:

I probe made contact with the inmate left hand-middle finger, the other made contact in the left hip but did not penetrate. Probe was removed, cleaned area of contact & Handcuffs applied.

Need for additional applications? Y N

Did the device respond satisfactory? Y N

If the TASER deployment was unsuccessful was a DRIVE STUN follow up used? Y N

Describe the subject's demeanor after the device was used or displayed?

Visibly upset but was compliant.

Chemical Spray: Y N

Baton or Blunt Instrument: Y N

Authorized control holds: Y N If yes, what types: _____

Describe the other means attempted to control the subject: _____

Photographs taken Y N

Report Completed by: C/O T. Richardson

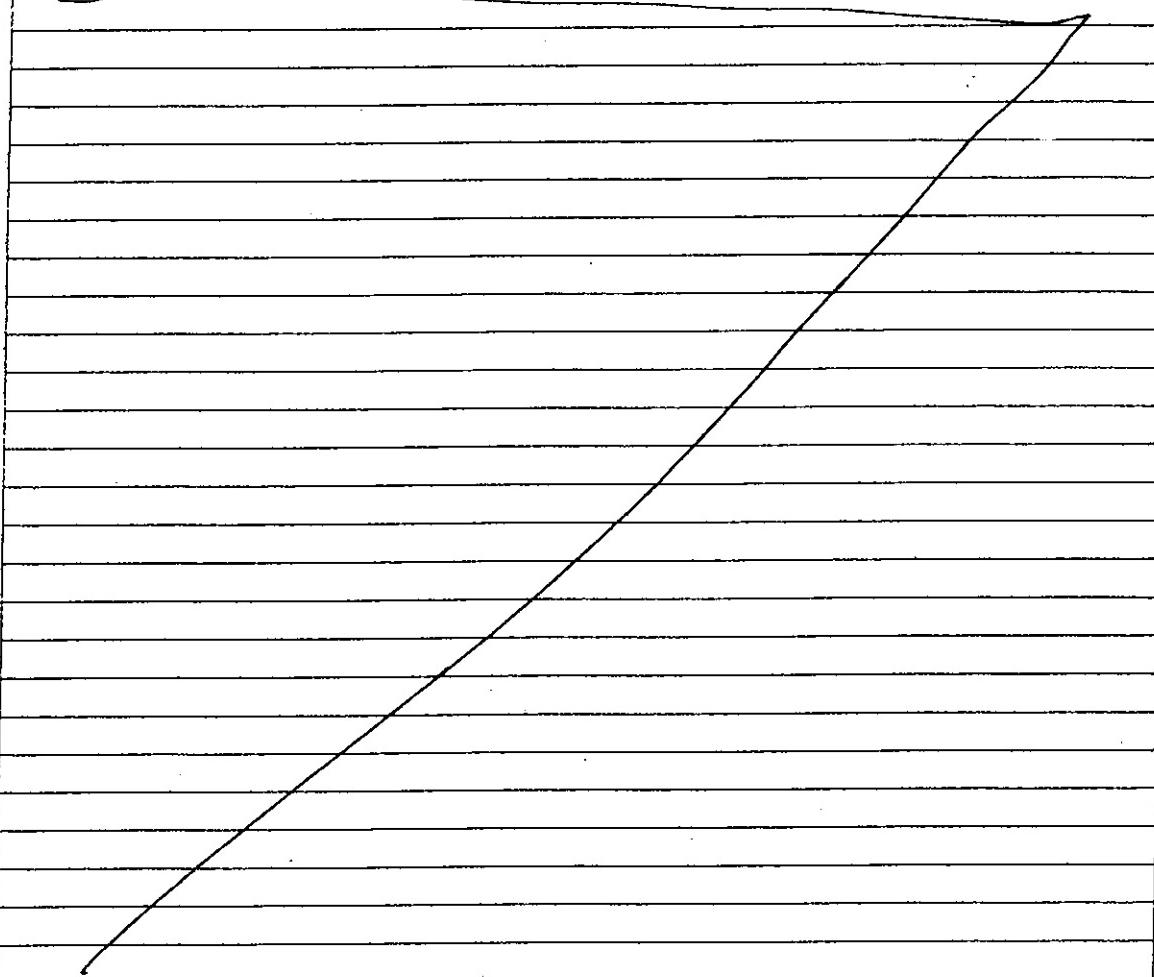
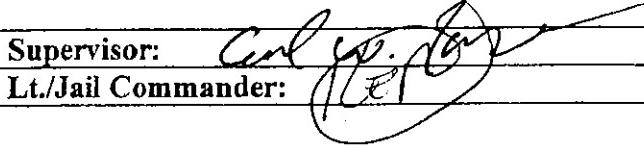
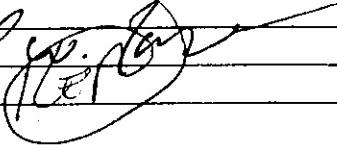
ADDITIONAL INFORMATION

1. Save this file on your hard drive and for your department archives.
2. Submit this report to the national TASER technology incident database.
3. This information will be submitted to the LACP and NTOA to track use of force. Results of uses are reviewed by TASER Int'l to adjust training issues and concerns as well.
4. If you cannot email, please fax a copy of this report to: (480) 991-0791 Attn: Shawn Spencer (Ph: 800-978-2737 ext. 2077).

HOUSTON COUNTY JAIL
ASSAILANT CONTROL REPORT

Incident Report #	Page <u>1</u> of <u>2</u>		
Location: Supply Room Type Offense: Non-Compliant inmate			
Assailant(s) Name	Race	Sex	DOB
Smith, Jimmie Lee	B	M	1/29/83
Corrections Officer(s) Name:	Shift		
P. Richardson	2ND		
S. Moon	2ND		
K. Fitzgerald	2ND		
Assailant Level Of Resistance (check all that apply)		Level of Control Compliance (Mechanical Compliance)	
<input checked="" type="checkbox"/> Not Armed		Assailant taken to ground	
<input type="checkbox"/> Armed with:		Assailant hobbled	
<input type="checkbox"/> Other:		Restraints used:	
Hands	Legs	<input checked="" type="checkbox"/> Other: TASER Application	
Grabbed C/O's Equipment		Y <input type="radio"/>	N <input checked="" type="radio"/>
		Assailant Struck C/O	
		Head <input type="checkbox"/> Face <input type="checkbox"/> Chest <input type="checkbox"/> Legs Back <input type="checkbox"/> Arms <input type="checkbox"/>	
Injuries (check all that apply)		Mechanical Control Countermeasures	
C/O	Assailant	Chemical Agent	
<input checked="" type="checkbox"/> No visible injuries	<input checked="" type="checkbox"/>	Baton	
<input type="checkbox"/> Minor scrapes/bruises	<input checked="" type="checkbox"/>	Taser	
<input type="checkbox"/> Hospitalized	<input checked="" type="checkbox"/>	Other	
Medical Comments:			
Additional Comments:			
Photographs (check all that apply)		C/O	<input checked="" type="checkbox"/> Assailant
Corrections Officer: P. Richardson		Date: 10/18/06 Shift: 2ND	

OVER

Date: 10-19-06	Page 2 of 2	Incident Report #
Details of Supervisory Investigation: After further review of this incident I/m Smith had 4 chances to comply with CIO Richardson order and he refused to do. The officer did what he was trained to do. I fully stand behind my BID decision. I/m left him with no other opinion.		
<p>E-O-S</p> 		
Supervisor:		
Lt./Jail Commander:		

**HOUSTON COUNTY JAIL
STATEMENT FORM**

TIME: 2250-2255 DATE: 10-18-06 PLACE: Houston Co. Jail.

I, % S. Moon, make the following true and correct statement pertaining to an Incident/Offense which occurred at the Houston County Jail on OCTOBER 1 18 2006.

At approximately 2250 hrs, as I was entering Docket, I heard loud voices coming from the direction of M-N-O. I started to walk in that direction, and as I did, I heard % Richardson say, "Come out of there. You are going to be searched." I heard this order repeated three (3) more times before I arrived at M-N-O.

I stepped into 1211 and observed % Richardson and I'm Smith, Jimmie in the hallway. I'm Smith was refusing to submit to a search before rolling in for the night. As he stepped out of 1211, I'm Smith stated that he wanted to see the Sergeant. I told I'm Smith that I was not going to call the Sergeant. I also told I'm Smith that he was no different from any of the other inmates and that he was going to be searched. I'm Smith stated, "I don't have to do it. I want to see the Sergeant."

He was again ordered to the Supply room across from the laundry room. cont'd. > pg 1

% S. Moon
SIGNATURE

October 18, 2006
DATE

**HOUSTON COUNTY JAIL
STATEMENT FORM**

TIME: 2250-2255 DATE: 10-18-06 PLACE: Houston Co. Jail

I, % S. Moon, make the following true and correct statement pertaining to an Incident/Offense which occurred at the Houston County Jail on October 18 /2005.

After this I'm Smith went into the Supply room as he had been ordered. In the Supply room, %o Richardson per Search procedures, Ordered I'm Smith to begin removing his clothing. I'm Smith Stated that he wasn't doing it. %o Richardson ordered I'm Smith a second time. I'm Smith Stood there and remained non-compliant. At this time %o Richardson and I drew our tasers.

I also called %o Fitzgerald on the radio, and asked him to report to our location and that we had a non-compliant inmate. As %o Fitzgerald arrived, I gave I'm Smith a third order to Comply Adding, "you will not be told again. This is your final compliance order." Again, I'm Smith remained non-compliant.

At this time %o Richardson and myself activated our tasers and %o Richardson deployed his.

Cont'd p2.

S. Moon
SIGNATURE

October 18, 2006
DATE

**HOUSTON COUNTY JAIL
STATEMENT FORM**

TIME: 2250-2255 DATE: 10-18-06 PLACE: Houston Co. Jail

I, E.O. S. Moon, make the following true and correct statement pertaining to an Incident/Offense which occurred at the Houston County Jail on October 18 /2005.

I taser prong hit I'm Smith in his right middle finger. The other prong hit I'm Smith in the left hip. We all ordered him to get down on the floor. I'm Smith complied and layed down on the floor. I'm Smith suffered no injuries as a result of the tasins.

E.O.S. removed the prongs and I'm Smith was taken to the clinic. There E.O. Fitzgerald took digital photos of the hit sights and I'm Smith was finally searched.

E. O. S.

pg 3

E. O. Moon
SIGNATURE

October 18, 2006
DATE



EXHIBIT H

57598 B/M
Smith, J. M. & Lee

HOUSTON COUNTY JAIL
JAIL DOCKET CARD

INMATE #	LAST NAME	FIRST	MIDDLE	MAIDEN	ALIAS	VICTIM NOTIFICATION
51598	Smith	J	imme	Lee		
ARRESTING AGENCY	DATE RECEIVED	TEMP. RELEASE DATE	RETURN DATE	RELEASE DATE	HOW RELEASED	
DPO	7-4-05					
RISK	STATUS					
AGE	DOB	SSN	RACE	SEX	HEIGHT	FLOOR
22	1-29-83	591-18-0251	B	M	5'8	CEM
ENTRANCE NCIC/BY	EXIT NCIC/BY	ENTRANCE HOUSTON/BY	EXIT HOUSTON/BY	ENTRANCE DPD/BY	EXIT DPD/BY	ATTORNEY
<i>Ne</i>	<i>U3</i>	<i>Nea</i>	<i>J25</i>	<i>Up of</i>	<i>Up of</i>	<i>Will hire.</i>
HOLD 1	DATE/BY	HOLD RELEASE DATE/BY	HOLD 2	DATE/BY	HOLD RELEASE DATE/BY	
<i>handles</i>	<i>112205</i>					
HOLD 3	DATE/BY	HOLD RELEASE DATE/BY	HOLD 4	DATE/BY	HOLD RELEASE DATE/BY	
ADDRESS	CITY	STATE	PROBATION/PAROLE OFFICER			
9380 103rd St, Lot 17	Jacksonville	FL	CITY/STATE	PHONE	RELATION	
NEXT OF KIN	ADDRESS					
<i>Patricia Smith</i>	<i>9380 103rd St, lot 17</i>	<i>Jacksonville FL</i>	<i>904-603-3174</i>	<i>Mother</i>		

REMARKS: 11-22-05 Copy of warrant from handles County attached

DID INMATE RECEIVE PHONE CALL? <input checked="" type="checkbox"/> N	DID INMATE RECEIVE JAIL RULES? <input checked="" type="checkbox"/>
INMATE SIGNATURE <i>Smith</i>	INMATE SIGNATURE <i>Smith</i>

INMATE #	NAME	WARRANT #	DC/FR	INDICTMENT #	CC/CS/DR	CONVICTION
CHARGE P.F.I 2nd		05-14340	05-2564	31		
BOND 10,000		7-27-05	08:30 A.M.	indt		
				probation denied		
				to serve time		
				10285		
CHARGE P.F.I 2nd		WARRANT #	DC/FR	INDICTMENT #	CC/CS/DR	CONVICTION
BOND 12,000		05-14339	05-2563	32		
CHARGE P.F.I 2nd		WARRANT #	DC/FR	INDICTMENT #	CC/CS/DR	CONVICTION
BOND 10,000		05-14338	05-2562	33		
CHARGE P.F.I 2nd		WARRANT #	DC/FR	INDICTMENT #	CC/CS/DR	CONVICTION
BOND 10,000		05-14337	05-2561	34		
CHARGE P.F.I 2nd		WARRANT #	DC/FR	INDICTMENT #	CC/CS/DR	CONVICTION
BOND 70,000		05-14336	05-2560	35		

**HOUSTON COUNTY
SHERIFF'S DEPARTMENT
PROPERTY HOLD**

I/M NUMBER	LAST NAME	FIRST NAME	M.I.
<u>57598</u>	<u>Smith</u>	<u>Jimmie</u>	<u>L</u>
CASH	HOLD 1	HOLD 2	

OTHER ITEMS:

(1) black head rag, ring, necklace with charm, 2 tickets, paper, money

I DO/DO NOT GIVE MY PERMISSION FOR ALL MY INCOMING MAIL TO BE INSPECTED. I UNDERSTAND THAT IF I DO NOT GIVE MY PERMISSION FOR MY MAIL TO BE INSPECTED, IT WILL BE RETURNED TO SENDER.

X _____ DATE _____

L _____ MADE APPLICATION TO THE BONDING COMPANY OF MY CHOICE.

X _____ DATE _____

I _____ RECEIVED FROM THE HOUSTON COUNTY SHERIFF DEPARTMENT ALL MY PROPERTY, AND MONEY UPON RELEASE.

X _____ DATE _____

I WAS ALLOWED TO MAKE A PHONE CALL.

X Jimmie Smith DATE 7-6-05

I RECEIVED A COPY OF THE JAIL RULES AND REGULATIONS.

X Jimmie Smith DATE 7-6-05

WITNESS CIO Russ DATE 7-6-05

NOV 18 2005
LOWNES SUPERIOR COURT

SEPTEMBER, 2005 - TERM

092-28

2005CR1134

BENCH WARRANT

200503445

STATE OF GEORGIA

VS.

Jimmie Lee Smith

RACE/SEX: Blm

DOB: 11/29/1983

SSN: 591-18-0251

ADDRESS: 9380 163rd St. Lot 17

Jacksonville, FL 32210-0865

COPY

I DO HEREBY CERTIFY THIS IS A TRUE
AND CORRECT COPY FOUND ON FILE
WITH THE LOWNES COUNTY SHERIFF'S OFFICE.
Teresa Fisceroff
LOWNES COUNTY, GEORGIA

Forgery in the Second
Degree (16.9.a)

Executed the foregoing

warrant by arresting the
defendant, this _____ day
of _____, 2005.

COPY

BENCH WARRANT

STATE OF GEORGIA

COUNTY OF LOWNDES

TO: ALL AND SINGULAR THE SHERIFFS, DEPUTY SHERIFFS, CONSTABLES AND
CORONERS OF SAID STATE.

GREETINGS:

WHEREAS, at the September, 2005 Term of the Superior Court of
said County, the Grand Jurors found a True Bill against

Jimmie Lee Smith for the offense(s) of
Forgery in the Second Degree (16.9.2)

and

WHEREAS, at the call of said case on the 18th day of
November, 2005, said defendant did not appear in the Superior Court
of the aforesaid County as required by law and by the terms of his
bond.

NOW THEREFORE, you and each of you are therefore commanded, in
the name of the State, to arrest the said defendant and bring him
before me to be dealt with as the law directs. Bond is hereby set
in the amount of \$ NONE.

HEREIN FAIL NOT.

Given under my hand and official signature the 18th day of
November, 2005.

Dacy

Assistant District Attorney
Southern Judicial Circuit

Roy M. Lilly
Senior Judge, Superior Courts
Southern Judicial Circuit

LOWNDES COUNTY SHERIFF'S OFFICE
ADMINISTRATION DIVISION
WARRANTS OFFICE
PO BOX 667 • VALDOSTA, GA 31603-0667
(229)333-5156•FAX(229)333-5141
ORI GA0920004



FAX

TO: Houston County Jail Dothan, AL
FROM: Theresa Picciotti
ATTN: Inmate Records/Sgt Davis
PAGES: 3
DATE: November 22, 2005
RE: Name: Jimmie Lee Smith
Race and Sex: B/M
DOB: 01-29-1983
SS#: 591-18-0251

Comments: Please place a hold/detainer on this subject for our agency. We will pickup/extradite. Please notify our department when subject has signed a Waiver of Extradition and is ready for pickup.

Thank you,

Theresa Picciotti

Theresa Picciotti
Lowndes County Warrants Division

FAX #: 334-671-9479

HOUSTON COUNTY JAIL
RECEIPT OF ARMBAND

I, Jimmie Smith have received an armband from Houston County Jail. I must wear this armband at all times while incarcerated in the Houston County Jail. I understand that I must have the armband on to receive medication, commissary, mail or any other items from the jail staff. If I am caught with out my armband I will receive a sanction. I must turn in this armband upon release from the jail. I can not give this armband to any other inmate.

X Jimmie Smith

Inmate Signature

7-7-05

Date

Walker

C/O Signature

7-7-05

Date

N

HOUSTON COUNTY SHERIFFS OFFICE

INMATE INFORMATION SHEET

Page 1

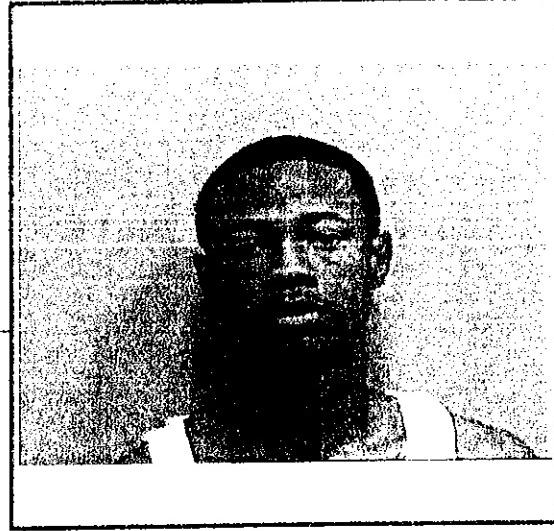
BOOKING NO: 050002633

LOCAL ID: 57598

Name : SMITH JIMMIE LEE

Address: 9380 103RD ST, LOT 17

City : JACKSONVILLE State: FL Zip:

Physical Description

Race : BLACK

Hair : BLACK

Gender: MALE

Eyes: BROWN

Height: 5 ' 08 "

Complexion: UNKNOWN

Weight: 130

DOB: 01/29/1983

Age: 22

Scars/Tattoos:

Personal Information

DL State :

Home Phone: 904 803 3174

DL Number:

Work Phone:

SSN: 591 18 0251

SID:

Booking Information

Arrest Date: 07/06/2005

Booking Officer: RUSS

Arrest Dept: DPD

Booking Date: 07/06/2005

Arrest Offcer: CPL L.NELMS/WILLIA

Booking Time: 16:55

Search Offcer:

Facility: 01

Meal Code: 01

Cell Assignment:

Charge InformationOffense
PFI 2ND X4

	Fine	Bond	Disposition
	\$00.00	10,000X4	PENDING

HOUSTON COUNTY JAIL
BOOKING CHECK OFF LIST

DATE: 7-6-05 TIME: 1655

SENIOR CORRECTIONS OFFICER(S) DUTY Sgt. Marsh, Sgt. Buchmann

Inmate Name: Smith Jimmie Lee Inmate Number: 57598

BOOKING OFFICER MUST INITIAL AFTER COMPLETING
EACH ITEM AND SIGN IN THE PROPER SPACE.

1. All personal property secured
2. Check in-house warrants
3. Check for last incarceration
4. Arrest report completed by arresting officer
5. All charges listed on arrest report and bonds listed for each charge
6. Bond amount noted on warrant
7. All inmate property tagged/placed in envelope
8. Property envelope completely filled out/signed by inmate
9. All money counted/logged in money book
10. Money envelope completed/supervisor counts
11. SCO calls control and logs money in SCO money book
12. SCO seals money/places in box
13. Check for outstanding warrants ✓ NCIC ✓ Dothan
14. Inmate numbers properly assigned
15. Inmate recorded in black book
16. Inmate recorded on white pages
17. Docket I.D., floor card completed, and bond amount verified on docket card
18. Fingerprint card completed
19. Medical screen completed
20. Affidavit of hardship completed
21. Green disposition form completed (FBI)
22. Property hold form (telephone call, bond applied)
23. Fingerprinted/photographed/entered in computer
24. Property card completed
25. Visitor/Telephone list completed
26. Inmate handbook received
27. Bond completed/amount checked against warrant
28. Correct court date noted on bond
29. Inmate and surety signature on bond
30. All pass on information documented in pass book

C/O Russ

Signature of Booking Officer(s)

Southeastern Printers of Dothan, 334-792-2928

Inmate Sanction/Restriction Documentation

Inmate Name: Smith, Jimmie Date: 10/18/2006 Inmate Number: 57598

Pod Location: M-7 Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction:	Date to Begin /	Date to End
-------------------------------	-----------------	-------------

<u>2</u> Wks	<input checked="" type="checkbox"/> Suspension of Commissary Privileges	<u>10-30-06</u> / <u>11-10-06</u>
<u>2</u> Wks	<input checked="" type="checkbox"/> Loss of Visitation Privileges	<u>10-28-29-06</u> / <u>10-04-05-06</u>
<u> </u> Days	<input type="checkbox"/> Segregation to Cell	<u> </u> / <u> </u>
	<input type="checkbox"/> Minimum 72 Hours Cell Restriction	<u> </u> / <u> </u>
	<input type="checkbox"/> OTHER <u>Next Sanction I/m will go on 1/1</u>	<u> </u>

Note: The Sgt. /ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction. Appeal form must be sent back to Disciplinary Sgt within 24 hour. If appeal form is not received with in the 24 hour period it will be thrown out.

Officer Requesting Sanction/Restriction <u>D. J. ROSE</u>	Officer Authorizing Sanction/Restriction <u>Sgt. J. S. 10-19-06</u>
<p>At appox 3240HR in M-N-O HALLWAY, I/m Smith was told to return to the supply room to be searched prior to go into his pod. I/m Smith refused to go, he became verbally aggressive stating "you ain't searching me I'm a trustee, I wanna talk to the Sgt." I/m had to be ordered several times before he complied. Once at the supply room I/m Smith refused to comply with orders given to him to be searched after more than 3 orders were given inmate was TASED. This is in violation of rules #7 & #11 which state #7 "No inmate will incite any action that will threaten the safety or order of the jail" & #11 "No inmate will interfere with Sheriff's Department personnel, nor disobey an order or instructions given by Sheriff's Department personnel"</p> <p><u>J. S.</u></p>	

Signature of Sgt. /ASCO
Sgt. J. S.

Revised 08/2006
W.B. McCarty
Jail Commander
Lt. K. Rocco
Jail Administrator

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: <u>Smith, Jimmie</u>	DATE: <u>6-19-06</u>	JAIL NUMBER: <u>57598</u>
CURRENT CELL: <u>G-5</u>	CELL I/M MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION		DATES START/END
WKS	<input checked="" type="checkbox"/> SUSPENSION OF TELEPHONE PRIVILEGES	/
1 WKS	<input checked="" type="checkbox"/> SUSPENSION OF COMMISSARY PRIVILEGES	<u>06-26-06 / 06-30-06</u>
2 WKS	<input checked="" type="checkbox"/> LOSS OF VISITATION PRIVILEGES	<u>06-24-25-06</u> <u>07-01-02-06</u>
<input type="checkbox"/> MINIMUM 72 HOURS CELL RESTRICTION		/
<input type="checkbox"/> OTHER		

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES _____ NO _____

OFFICER REQUESTING SANCTION/RESTRICTION <u>Richardson</u>	OFFICER AUTHORIZING SANCTION/RESTRICTION <u>SGT Pabz 06-19-06</u>
--	--

FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

On 6-19-06 at approx 1930 he IM Smith was walking around G-Pop Dayroom without his jumpsuit on. Inmate is in violation of inmate rule #1 which states, #1 "Uniforms (jumpsuits) will be worn at all times when an inmate is outside his/her cell. The uniform must be worn with the wording "Houston County Jail" on the outside, and the uniform must be buttoned completely. While in the recreation area, inmates may wear the uniform top down around their waist, but they must be wearing a T-shirt. However, females must wear a bra under their T-shirts. No bare skin will be exposed."

S.O.S.

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE:	DATE:	JAIL NUMBER:
<i>Smith, Jimmie</i>	<i>2/20/06</i>	<i>57598</i>
CURRENT CELL:	CELL I/M MOVED TO (IF APPLICABLE)	
<i>A Pod Cell 8</i>		

TYPE OF SANCTION OR RESTRICTION

DATES START/END

WKS SUSPENSION OF TELEPHONE PRIVILEGES *1*WKS SUSPENSION OF COMMISSARY PRIVILEGES *1*WKS LOSS OF VISITATION PRIVILEGES *03/25/06* *04/14/15/06* MINIMUM 72 HOURS CELL RESTRICTION *1* OTHER _____

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES NO

OFFICER REQUESTING SANCTION/RESTRICTION <i>Taylor</i>	OFFICER AUTHORIZING SANCTION/RESTRICTION <i>J. Walker 02/23/06</i>
--	---

FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

On 2/20/06 at approximately 1940 hrs. Inmate Smith, Jimmie #57598 was seen to Stop Walking and Dancing in front of A pods window, Communicating with inmate Wilson, Tony L. F. pod. Inmate Smith, Jimmie #57598 was Redirected about 20 times. Statement of Dancing and Walking in front of the windows in the hallway. Walk back to cell at 2050 hrs. Officer Brandon, P witnessed his actions as well. Inmate Smith, Jimmie #57598 was also Violator of Houston County Jail Rule #18, 1A which states: No inmate will Commit Any kind of Obscene or Sexual Act or Exhibition (#11). No inmate will converse with Sheriff's Department Personnel nor Disobey An Order or Instruction Given By Sheriff's Department Personnel.

End of Statement

DATE APPEAL SENT 02/23/06**NOTICE OF APPEAL FOR INMATE SANCTION/RESTRICTION**Inmate Name: Smith, JimmieHCJ# 57598 POD A - 2Date filing notice of appeal: 02-23-06

On, 2-21, 2006, an Inmate Sanction/Restriction was written by Officer V. Nieves,
 charging inmate Smith, Jimmie, with a violation of Houston County Jail Inmate Rules and Regulations
8, 11.

The circumstances of the violations are: talking [redacted] to another inmate and dancing
 in front of the window.

The sanction found me to be guilty/not guilty of a major/minor offense. Punishment was set at: 2 weeks loss
 of visitation

I wish to appeal the decision because: on the 21st, officer V. Nieves did not work
 back here that night. So how can he write me up for this. This have to
 stop this is getting ridiculous with this officer writing me up. This is 3rd or 4th
 one this week from him.

*****DO NOT WRITE BELOW THIS LINE—ADMINISTRATION USE ONLY*****

On the 24 day of February, 2006, an appeal of the Sanction/Restriction taken against inmate
Jimmie Smith was reviewed by Lt. Rocco, and the following action was taken:

APPEAL APPROVED APPEAL DISAPPROVED OTHER ACTION TAKEN: Sanction dismissed

Basis for approval/disapproval of appeal: _____

 I hereby certify that a completed copy of the foregoing appeal was served on the above named inmate on the _____

day of 02/27, 2006.

T. Walker
 Officer Signature

INMATE SERVED COPY--YES

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: <u>Smith, Jimmie</u>	DATE: <u>2-18-06</u>	JAIL NUMBER: <u>57598</u>
CURRENT CELL: <u>A 2</u>	CELL I/M MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION		DATES START/END
WKS	<input type="checkbox"/> SUSPENSION OF TELEPHONE PRIVILEGES	/
WKS	<input type="checkbox"/> SUSPENSION OF COMMISSARY PRIVILEGES	/
17 WKS	<input checked="" type="checkbox"/> LOSS OF VISITATION PRIVILEGES	<u>03/4/06</u>
	<input type="checkbox"/> MINIMUM 72 HOURS CELL RESTRICTION	/
	<input type="checkbox"/> OTHER	

*E: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES NO

OFFICER REQUESTING SANCTION/RESTRICTION <u>Richards</u>	OFFICER AUTHORIZING SANCTION/RESTRICTION <u>T. Walker 02/21/06</u>
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FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

On Saturday 2-18-06 at approx 2150hr. T/M Smith, Jimmie was observed out of his cell walking around A-Dad day room. inmate is in violation of inmate rule #13 which states, inmates must roll-in at all roll-in times. Inmates assigned to day room access must be on their mattress at all roll-ins.

S.O.S.

Slot R L
SIGNATURE OF SGT. OR ASC/O

REVISED 07/2004 PER W.B. McCARTY, JAIL COMMANDER

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE:	DATE:	JAIL NUMBER:
<i>Smith, Jimmie</i>	<i>2/17/06</i>	<i>57598</i>
CURRENT CELL:	CELL I/M MOVED TO (IF APPLICABLE)	
<i>A Pod/Cell 2</i>		

TYPE OF SANCTION OR RESTRICTION	DATES START/END
WKS <input type="checkbox"/> SUSPENSION OF TELEPHONE PRIVILEGES	/
<u>2</u> WKS <input checked="" type="checkbox"/> SUSPENSION OF COMMISSARY PRIVILEGES	/
<u>2</u> WKS <input checked="" type="checkbox"/> LOSS OF VISITATION PRIVILEGES <i>03/11/12/06</i>	<i>03/18/19/06</i>
<input checked="" type="checkbox"/> MINIMUM 72 HOURS CELL RESTRICTION	/
<input checked="" type="checkbox"/> OTHER <i>4/8/1 wk. (Multiple Sanctions)</i>	

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES NO

OFFICER REQUESTING SANCTION/RESTRICTION <i>T. Walker</i>	OFFICER AUTHORIZING SANCTION/RESTRICTION <i>T. Walker 02/21/06</i>
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FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

On 2/17/06 at approximately 1B30 % No one V. was Serving Mr Chas. Elmore Smith, Jimmie # , was told to button His jump suit. He has been deducted twice. Second shift to button His jump suit % to Branaco who takes Elmore Smith Jimmie Having His Oranges Unbuttoned And Color up the like. B.W.D State by Uniform and Did not comply. At 2140 hrs. Elmore Smith, J. was standing in front of A Pod door jump suit unbuttoned and not buttoned. Elmore Smith, J. has a violation of Houston County Jail Rule # 101.12 which states:

1. Uniforms (jump suits) will be worn at all times when an inmate is outside his/her cell. The uniform must be worn with the wording "Houston County Jail" on the outside, and the uniform must be buttoned completely. While in the recreation area, inmates may wear the uniform top down around their waist, but they must be wearing a T-shirt. However, females must wear a bra under their T-shirts. No bare skin will be exposed.

11. No inmate will interfere with Sheriff's Department personnel, nor disobey an order or instructions given by Sheriff's Department personnel.

See Back of Page for Rule #12.

12. No inmate will leave his/her authorized area. Inmates must roll-in to their cells when told to do so. Females must be seated on their bunk.

5B98 Record 15

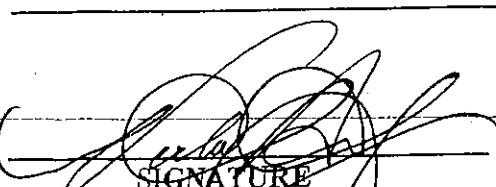
HOUSTON COUNTY JAIL
STATEMENT FORM

TIME: 2335 hrs. DATE: 2/14/06 PLACE: Houston County jail.

I, 38T05 Victor Nieves, Jr., make the following true and correct statement pertaining to an Incident/Offense which occurred at the Houston County Jail on 2/14/06 Feb @ 2335, 2006.

On 2/14/06' at approximately 2335 hrs. % Nieves, Victor # 38T05 went around to all pods for inmates to sharpen their pencils. % Nieves, Victor opened A Pod's door and announced if anyone needs pencils sharpened do so now. inmate Smith, Jimmie #57598 came to the door, % Nieves, Victor instructed inmate Smith, Jimmie to fix his collar on his jumpsuit, inmate Smith, J. stated he was short and getting out soon, He did not comply with % Nieves, V. instructions, however % Nieves, V. did let inmate Smith, J. sharpen his pencils. inmate Smith, Jimmie states: % Nieves, V. called him a "faggot" % Nieves, Victor have no idea what inmate Smith, J. was talking about! The A Pod door was shut and % Nieves, V. proceeded to the next pod.

End of Statement



SIGNATURE

2/14/06
DATE

Inmate Sanction/Restriction Documentation

Inmate Name: Smith, Jimmie Date: 2/11/06 Inmate Number: 57598
 Pod Location: A Pod/Floor Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction:	Date to Begin	/	Date to End
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<u>2 Wks</u>	<input checked="" type="checkbox"/>	Suspension of Commissary Privileges	_____ / _____
<u>12 Wks</u>	<input checked="" type="checkbox"/>	Loss of Visitation Privileges	<u>2/25/06</u> / _____
____ Days	<input type="radio"/>	Segregation to Cell	_____ / _____
	<input type="radio"/>	Minimum 72 Hours Cell Restriction	_____ / _____
	<input type="radio"/>	OTHER _____	_____ / _____

Note: The Sgt./ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction.

Officer Requesting Sanction/Restriction

Officer Authorizing Sanction/Restriction

R. Jones 02/11/06 On 2/11/06 at approximately 1655 hrs. while C/o Nories, V. was serving Orange Jumpsuit, 100 Meals. Inmate Smith, Jimmie #57598 was told to button his Orange Jumpsuit and Correct his Collar if not did not comply with C/o Nories V. Instructions and kept looking to Nories V. Did not bother him that his Collar was not correct and worn properly. Inmate refused to correct his Collar and button his uniform. Inmate was in violation of Houston County Jail Rule #1 & M, which states: (A) No inmate will associate with Sheriff's Department personnel, Nor Disobey an Order or Instructions Given by Sheriff's Department personnel.

End of Statement

Violation of Rule #1—Uniforms (jumpsuits) will be worn at all times when an inmate is outside his/her cell. The uniform must be worn with the wording "Houston County Jail" on the outside and the uniform must be buttoned completely. While in the recreation area, inmates may wear the uniform top down around their waist, but they must be wearing a T-shirt. However, females must wear a bra under their T-shirts. No bare skin will be exposed.

Signature of Sgt./ASCO

Sgt. Jones

Revised 09/2005
W.B. McCarty
Jail Commander

Inmate Sanction/Restriction Documentation

Inmate Name:	<u>JIMMIE SMITH</u>	Date:	<u>01-13-06</u>	Inmate Number:	<u>57598</u>
Pod Location:	<u>C-3 Bottom</u>				Pod/Cell Inmate moved to (If applicable): _____
Type of Restriction/Sanction:				Date to Begin	/ Date to End
Wks	<input type="radio"/>	Suspension of Commissary Privileges	/		
<u>2</u>	<input checked="" type="radio"/>	Loss of Visitation Privileges	/		
Days	<input type="radio"/>	Segregation to Cell	/		
<i>Temporary Sanction Only</i>		Minimum 72 Hours Cell Restriction	<u>01-19-06 thru 01-22-06</u>		
<input type="radio"/>		OTHER	<u>01-21-06 thru 01-24-06</u>		

The Sgt./ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction.

Officer Requesting Sanction/Restriction

% Bullard

Officer Authorizing Sanction/Restriction

T. Walker 1/13/06

ON JANUARY 13, 2006, @ APPROX 00:44 WHILE CONDUCTING A CELL SEARCH, INM JIMMY SMITH WAS FOUND IN POSSESSION OF 1- HEAD RAG, 2- COLOGNE BOTTLES, 1- EXTRA BLANKET, ROLLING PAPERS, TOBACCO. INM IS IN VIOLATION OF RULE #9 BELOW ALSO FOUND WAS TWO CIGARETTES.

Violation of Rule #9—No inmate will possess or attempt to possess contraband either on his/her person, cell, or under his/her control to include testing positive for drugs or alcohol.

Signature of Sgt./ASCO

Sgt. Mark

Revised 09/2005
W.B. McCarty
Jail Commander

DATE APPEAL SENT 01-13-06NOTICE OF APPEAL FOR INMATE SANCTION/RESTRICTIONInmate Name: Smith, JimmieHCJ# 57598 POD C - 3Date filing notice of appeal: 01-13-06On, 13 Jan, 2005, an Inmate Sanction/Restriction was written by Officer Bullard.charging inmate Smith, Jimmie, with a violation of Houston County Jail Inmate Rules and Regulations

9

The circumstances of the violations are: conducting cell searchThe sanction found me to be guilty/not guilty of a major/minor offense. Punishment was set at: 2 wks. Loss of visitation & 72 hours cell restriction. Also numerous of sanction?I wish to appeal the decision because: I inmate Smith, Jimmie # 57598 can attibuted to head rag, 2 - cologn bottles, 1- extra Blanket. As for as, the rolling papers and tobacco that's not mine, and can not be taking responsibility for it. After the search, Sgt. Buckman asked if I was going to own up to the tobacco and rolling paper, my cell mate, Sonny Jonathan Cochran stated that
*****DO NOT WRITE BELOW THIS LINE—ADMINISTRATION USE ONLY*****On the 19 day of Jan, 2005, an appeal of the Sanction/Restriction taken against inmateJimmie Smith was reviewed by Lorraine McCarty, and the following action was taken:APPEAL APPROVED ARPEAL DISAPPROVED OTHER ACTION TAKEN: _____Basis for approval/disapproval of appeal: 1/m Smith, your cell mate stated you claimed it -

hereby certify that a completed copy of the foregoing appeal was served on the above named inmate on the

ay of 20 January 2006T. Walker
Officer SignatureINMATE SERVED COPY--YES

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: Smith, Jimmie	DATE: 1/21/06	JAIL NUMBER: 57598
CURRENT CELL: C-3	CELL I/M MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION		DATES START/END
WKS	<input checked="" type="checkbox"/> SUSPENSION OF TELEPHONE PRIVILEGES	/
1	<input checked="" type="checkbox"/> SUSPENSION OF COMMISSARY PRIVILEGES	/
2	<input checked="" type="checkbox"/> LOSS OF VISITATION PRIVILEGES 01-29-06	102-44506
	<input type="checkbox"/> MINIMUM 72 HOURS CELL RESTRICTION	/
	<input type="checkbox"/> OTHER	

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES NO

OFFICER REQUESTING SANCTION/RESTRICTION <i>K. E. Thigpen</i>	OFFICER AUTHORIZING SANCTION/RESTRICTION <i>T. Walker 01-10-06</i>
FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION	

I'm Smith in violation of GAC Rule # 4. This rule states "No inmate will behave in a manner which is disrespectful to Sheriff Dept personnel, other inmates, or visitors." Sgt Bonin sent me to Cprod in reference to 2 inmates in the dayroom corner. Possibly horseplaying. Both inmates said to have been swinging naps at each other. I entered the prod (with Taser drawn) and witnessed inmates Jimmy Smith & Aaron Flowers coming out of the corner. I advised both inmates to roll in. While doing so, Mr Smith got upset and at one point said me "SCREW YOU!!" This comment disrespectful to me. Mr also made some other statements from inside the cell.

Inmate Sanction/Restriction Documentation

Inmate Name: Smith, Jimmie Date: 12-12-05 Inmate Number: 57598
 Pod Location: Cloud Cell 3 Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction:	Date to Begin	/	Date to End
<input checked="" type="checkbox"/> Wks <input checked="" type="checkbox"/> Suspension of Commissary Privileges		/	
<input checked="" type="checkbox"/> Wks <input checked="" type="checkbox"/> Loss of Visitation Privileges		/	<u>01-28 & 29-05</u>
<input type="checkbox"/> Days <input type="checkbox"/> Segregation to Cell		/	
<input type="checkbox"/> <input type="checkbox"/> Minimum 72 Hours Cell Restriction		/	
<input type="checkbox"/> <input type="checkbox"/> OTHER _____		/	

Note: The Sgt. /ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction.

Officer Requesting Sanction/Restriction	Officer Authorizing Sanction/Restriction
<p><i>J.W. Walker</i> <u>12/12/05</u></p> <p>On 12-12-05 at approx 0245 hrs. elopato's table was dirty and is to be clear of all items. inmate Smith, jimmie # 57598 was for Violation of Houston County jail Rule #10, See Below for Details.</p> <p style="text-align: center;"><i>End of Statement</i></p>	

Violation of Rule #10—Inmates must maintain their cells and common areas in a clean, sanitary, and orderly condition.

Signature of Sgt. /ASCO
Sgt. J. Beckman

Revised 09/2005
W.B. McCarty
Jail Commander

#6

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE:	DATE:	JAIL NUMBER:
<u>SMITH TIMMIE</u>	<u>12-11-05</u>	<u>57598</u>
CURRENT CELL:	CELL I/M MOVED TO (IF APPLICABLE)	
<u>C-3</u>		

TYPE OF SANCTION OR RESTRICTION		DATES START/END
WKS	<input checked="" type="radio"/> SUSPENSION OF TELEPHONE PRIVILEGES	/
WKS	<input checked="" type="radio"/> SUSPENSION OF COMMISSARY PRIVILEGES	/
2 WKS	<input checked="" type="radio"/> LOSS OF VISITATION PRIVILEGES <u>01-14-15-05</u>	<u>01-24-2005</u>
	<input type="radio"/> MINIMUM 72 HOURS CELL RESTRICTION	/
	<input type="radio"/> OTHER _____	

NOTE THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES _____ NO _____

OFFICER REQUESTING SANCTION/RESTRICTION <u>CJG S. Moore</u>	OFFICER AUTHORIZING SANCTION/RESTRICTION <u>T. Walker 12/12/05</u>
FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION	

ON SUNDAY, 12-11-05, AROUND 1930HRS SGT BOWIN AND I WENT INTO C-POD DURING MY WATCH TOUR. WHILE IN C POD A DOOR STOP WAS FOUND IN THE LOCK OF CELL C-3. IM TIMMIE SMITH #57598 ADMITTED THAT THE DOOR STOP WAS PUT IN THE DOOR BY HIM. THIS IS A VIOLATION OF HOUSTON COUNTY JAIL RULE #2 THAT STATES NO FOREIGN OBJECTS WILL BE PLACED IN THE JAIL DOORS TO KEEP THE DOOR OPEN OR PREVENT LOCKING. ALL INMATES HOUSED IN A CELL WILL BE REQUIRED TO KEEP THE CELL CLEAN AND FREE OF DEBRIS!"
E.O.S.

Sgt R.Y.
SIGNATURE OF SGT. OR ASC/O

Inmate Sanction/Restriction Documentation

Inmate Name: Smith, Jannie Date: 12.10.05 Inmate Number: 57598
 #5
 Pod Location: C Pod/Cell 3T Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction:	Date to Begin	/	Date to End
<input checked="" type="checkbox"/> Wks <input checked="" type="checkbox"/> Suspension of Commissary Privileges		/	
<input checked="" type="checkbox"/> Wks <input checked="" type="checkbox"/> Loss of Visitation Privileges	<u>01.74806</u>	/	
<input type="checkbox"/> Days <input type="checkbox"/> Segregation to Cell	<u>J</u>	/	
<input type="checkbox"/> Minimum 72 Hours Cell Restriction		/	
<input type="checkbox"/> OTHER		/	

Note: The Sgt. /ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction.

Officer Requesting Sanction/Restriction

Officer Authorizing Sanction/Restriction

*On 12.10.05 at approx. 0057 hrs. I, Officer J. Walker, was C-
 counting a hour after 6 am C-Pod. On Nicias, I saw her
 trying to hang on the wall for C-Pod 3 top. I, as Smith Jannie
 #57598 was a violation of Houston County Jail Rule
 #3 See Below for Details.
 End of Statement*

Violation of Rule #3—No paper products or any other type product will be placed over cell windows, vents, doors, cell lights or on the walls.

Signature of Sgt. /ASCO

(D)

Revised 09/2005
 W.B. McCarty
 Jail Commander

#5
DATE APPEAL SENT 12-12-05

NOTICE OF APPEAL FOR INMATE SANCTION/RESTRICTION

Inmate Name: Smith, JimmieHCJ# 57598 POD C-3 BDate filing notice of appeal: 12-12-05On, 12-10, 2005, an Inmate Sanction/Restriction was written by Officer Neives,charging inmate Smith, Jimmie, with a violation of Houston County Jail Inmate Rules and Regulations# 3The circumstances of the violations are: Pictures hanging on the wallThe sanction found me to be guilty/not guilty of a major/minor offense. Punishment was set at: 1 wk
visitation

I wish to appeal the decision because: The pictures belong to me Smith, Jimmie # since not my roommate Sanders, Nicholas # saye, and they were on the bottom not the top. Inmate Sanders, I # says # some sleep on top not bottom, their were pictures on top bunk, officer Neives wrote up wrong. But the pictures are belong to me inmate Smith Jimmie not Nicholas Sanders.
*****DO NOT WRITE BELOW THIS LINE—ADMINISTRATION USE ONLY*****

On the 13 day of Dec, 2005, an appeal of the Sanction/Restriction taken against inmateSmith was reviewed by Sgt. Mckee, and the following action was taken:APPEAL APPROVED APPEAL DISAPPROVED OTHER ACTION TAKEN: _____basis for approval/disapproval of appeal: I'm took responsibility forpictures

hereby certify that a completed copy of the foregoing appeal was served on the above named inmate on the _____

of 14 Dec, 2005.T. Walker
SignatureINMATE SERVED COPY YES

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INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE:	DATE:	JAIL NUMBER:
Smith Jimmie	11-11-2005	57598
CURRENT CELL:	CELL I/M MOVED TO (IF APPLICABLE)	
C-Pod /C-5		

TYPE OF SANCTION OR RESTRICTION		DATES START/END
WKS	<input checked="" type="checkbox"/> SUSPENSION OF TELEPHONE PRIVILEGES	1/1
2 WKS	<input checked="" type="checkbox"/> SUSPENSION OF COMMISSARY PRIVILEGES	1/1
12 WKS	<input checked="" type="checkbox"/> LOSS OF VISITATION PRIVILEGES	12/29/2005 - 31/01-01-06
	<input type="checkbox"/> MINIMUM 72 HOURS CELL RESTRICTION	
	<input type="checkbox"/> OTHER	

THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES _____ NO _____	
OFFICER REQUESTING SANCTION/RESTRICTION <u>Richardson</u>	OFFICER AUTHORIZING SANCTION/RESTRICTION <u>T. Walker</u> 11/14/05
FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION	

On Friday, November 11, 2005 at approx. 1635 I observed #7598 Smith, Jimmie sitting on a table in C-Pod Dayroom with a blanket and a headbag on his head. This is a violation of inmate rule number 14 which states:

No inmate will be allowed to wear a cap, scarf, hat, headbag, etc., or anything covering their hair or head.

C.O.S.

Sgt Rm	REVISED 07/2004 PER W.B. McCARTY, JAIL COMMANDER
SIGNATURE OF SGT. OR ASC/O	

#2

Inmate Sanction/Restriction Documentation

Inmate Name: SMITH JIMMY Date: 10-11-05 Inmate Number: 57598
 Pod Location: A-1 Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction:	Date to Begin	/	Date to End
<u>3</u> Wks <input checked="" type="checkbox"/> Suspension of Commissary Privileges	<u>11-19-05</u>		<u>12-04-05</u>
<u>3</u> Wks <input checked="" type="checkbox"/> Loss of Visitation Privileges	<u>11-19-05</u>		<u>12-03-05</u>
<u> </u> Days <input type="checkbox"/> Segregation to Cell	<u>11-26-05</u>		<u>12-04-05</u>
<input checked="" type="checkbox"/> Minimum 72 Hours Cell Restriction	<u>10-18-05</u>		<u>10-21-05</u>
<input type="checkbox"/> OTHER _____	<u>10-19-05</u>		

Note: The Sgt./ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction.

Officer Requesting Sanction/Restriction

Sgt. Jones

Officer Authorizing Sanction/Restriction

W.B. McCarty

ON TUESDAY, 10-11-05 AROUND 2235 HRS. GO NIEVES AND I CONDUCTED A SEARCH OF CELL A-1. DURING THIS SEARCH A CONTAINER WITH STYROFOAM CUPS AND Head Fog was found in lm SMITH, Jimmy #57598 bunk Area. This is A violation of Houston County Jail RULE # 9 AS STATED BELOW.

Violation of Rule #9—No inmate will possess or attempt to possess contraband either on his/her person, cell, or under his/her control to include testing positive for drugs or alcohol.

Signature of Sgt./ASCO

Sgt. Jones

Revised 09/2005
W.B. McCarty
Jail Commander

#2

006 Page 30 of 64
Appeal
Sent
10-13-05

NOTICE OF APPEAL FOR INMATE SANCTION/RESTRICTION

Inmate Name: Smith Jimmie

HCI# 57594

POD A - Pad cell 2

Date filing notice of appeal: Oct 13, 2005

On Oct. 11, 2005, an Inmate Sanction/Restriction was written by Officer S. Moore, charging inmate Smith, Jimmy, with a violation of Houston County Jail Inmate Rules and Regulations.

g but is supposed to be # 14

The circumstances of the violations are: A headrag & styro foam cups.

Sanction found me to be guilty/not guilty of a major/minor offense. Punishment was set at: 3 weeks commissary
Wk's restriction + 72 Hours Cell Restriction

to appeal the decision because: In the rule book it is #14 not #9 and the
the form I got was from basketball that morning. If you can come see
the caps I on my table. Thank you

*****DO NOT WRITE BELOW THIS LINE—ADMINISTRATION USE ONLY*****

In the 17 day of OCT, 2005, an appeal of the Sanction/Restriction taken against inmate Jamie Smith was reviewed by Commander McCarty, and the following action was taken:

PETIT APPROVED APPEAL DISAPPROVED OTHER ACTION TAKEN: _____

Reason for approval/disapproval of appeal: Appeal denied

I hereby certify that a completed copy of the foregoing appeal was served on the above named inmate on the 18

v. Dct 2005. copy x

T Walker INMATE SERVED COPY _____
Officer Signature

#1

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: <i>Smith, Jerning</i>	DATE: <i>10-11-05</i>	JAIL NUMBER: <i>57598</i>
CURRENT CELL: <i>A Pod Cell 1</i>	CELL IMM MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION		DATES START/END
WKS	<input type="checkbox"/> SUSPENSION OF TELEPHONE PRIVILEGES	/
<u>13</u>	<input checked="" type="checkbox"/> SUSPENSION OF COMMISSARY PRIVILEGES	<u>10-29-05</u> / 11-11-05
<u>13</u>	<input checked="" type="checkbox"/> LOSS OF VISITATION PRIVILEGES	<u>10-29 & 30-05</u> / 11-12 & 13-05
	<input type="checkbox"/> MINIMUM 72 HOURS CELL RESTRICTION	/
	<input type="checkbox"/> OTHER	/

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES NO

OFFICER REQUESTING SANCTION/RESTRICTION <i>CJ Neines, V.</i>	OFFICER AUTHORIZING SANCTION/RESTRICTION <i>(Signature) 10/3/05</i>
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FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

On 10-11-05 at approx: 1900 hrs. Inmate Smith, Jerning # 57598 was cld A Pod on the Day Off passing Dominic's Clato B Pod to Inmate Dudley, T. # 56413. This action was witnessed by CJ Neines, V. and CJ Neines, V. went into B Pod and retrieved the dominos that were on the floor. In Smith, J. # 57598 was a violation of Navajo County Jail Rule # 17 which states: No inmate will pass any item from one pod to another. *End of Statement*

Sgt. Jones
SIGNATURE OF SGT. OR ASC/O

/

Appeal
Suit
10-13-05

NOTICE OF APPEAL FOR INMATE SANCTION/RESTRICTION

Inmate Name: Jimmy L. Smith

HCJ# 57598

POD A - Pod cell 1

Date filing notice of appeal: Oct 13, 2005

On Oct 11, 2005, an Inmate Sanction/Restriction was written by Officer Devin S. V., charging inmate Smith, Jimmy, with a violation of Houston County Jail Inmate Rules and Regulations

17

The circumstances of the violations are: 3 wks. commissary privileges and 3 wks loss of visitation privileges

The sanction found me to be guilty/not guilty of a major/minor offense. Punishment was set at: Passing items from pod to pod.

I wish to appeal the decision because: I inmate Smith, inmate # 57598 was just setting on the tv, for watching T.V. Inmate Wilson, Tony was passing from pod to pod and he have claimed to it on his appeal and it states in the book if an inmate attorney one other will not be charged. Thank you

*****DO NOT WRITE BELOW THIS LINE—ADMINISTRATION USE ONLY*****

In the 17 day of Oct, 2005, an appeal of the Sanction/Restriction taken against inmate

Jimmy Smith was reviewed by Commander M. Carter and the following action was taken:

APPEAL APPROVED APPEAL DISAPPROVED OTHER ACTION TAKEN:

My inmate L. Smith Appeal denied, however 1 week loss of commissary and 1 week loss of visitation privileges.

I hereby certify that a completed copy of the foregoing appeal was served on the above named inmate on the 18

Oct, 2005.

T. Wulff

INMATE SERVED COPY

Officer Signature

X

#3

Inmate Sanction/Restriction Documentation

Inmate Name: SMITH TimmyDate: 10-11-05Inmate Number: 57598Pod Location: A-1

Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction:

Date to Begin / Date to End

2 Wks Suspension of Commissary Privileges10-10-05 / 10-19-052 Wks Loss of Visitation Privileges10-10-05 / 10-18-05 Days Segregation to Cell / Due to Minimum 72 Hours Cell Restriction10-21-05 / 10-24-0535 sanctions OTHER _____

Note: The Sgt. /ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction.

Officer Requesting Sanction/Restriction

Sgt. Jones

Officer Authorizing Sanction/Restriction

W.B. McCarty 10/13/05

ON TUESDAY 10-11-05 AROUND 2255 HRS SP NIEVES AND I CONDUCTED A SEARCH OF CELL A-1. DURING OUR SEARCH I FOUND YM SMITH, TIMMY # 57598 IDENTIFICATION BRACELET IN HIS DRAWER IN CELL A-1. THIS IS A VIOLATION OF HOUSTON COUNTY JAIL RULE #18 AS STATED BELOW.

Violation of Rule #18—Inmates must wear identification arm band at all times.

Signature of Sgt. /ASCO

Sgt. JonesRevised 09/2005
W.B. McCarty
Jail Commander

1. MATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE:	DATE:	JAIL NUMBER:
<u>SMITH, JONATHAN</u>	<u>10-4-05</u>	<u>57598</u>
CURRENT CELL:	CELL I/M MOVED TO (IF APPLICABLE)	
<u>A1</u>		

TYPE OF SANCTION OR RESTRICTION	DATES START/END
WKS <input type="checkbox"/> SUSPENSION OF TELEPHONE PRIVILEGES	/
WKS <input type="checkbox"/> SUSPENSION OF COMMISSARY PRIVILEGES	/
WKS <input checked="" type="checkbox"/> LOSS OF VISITATION PRIVILEGES	<u>10-8-9-05</u>
<input type="checkbox"/> MINIMUM 72 HOURS CELL RESTRICTION	/
<input type="checkbox"/> OTHER	

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES _____ NO _____

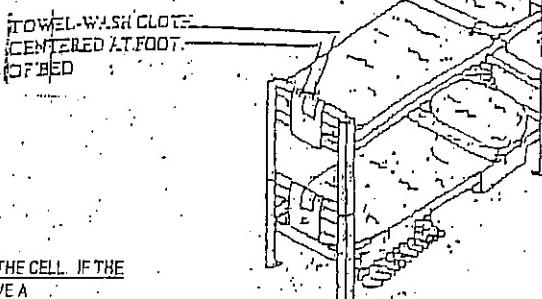
OFFICER REQUESTING SANCTION/RESTRICTION	OFFICER AUTHORIZING SANCTION/RESTRICTION
<u>R. Gray</u>	<u>BB</u> <u>OCT 05 2005</u>

FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

While conducting the morning floor check, the above named inmate was found to not be in compliance with the Living Area Requirement section of the Inmate Rules and Regulations. Bunks will be in compliance during the following hours of 8:00 A.M. to 9:00 P.M. See example below:

EXAMPLE LIVING AREA REQUIREMENTS

CHECK DONE 0847HRS



NON-COMPLIANCE OF RULES LISTED
BELOW MAY RESULT IN SANCTION/DISCIPLINARY ACTION

BUNKS WILL BE IN COMPLIANCE WITH (ABOVE) EXAMPLE DURING THE FOLLOWING HOURS:

8:00 A.M. TO 9:00 P.M. MONDAY THROUGH FRIDAY

7:30 A.M. TO 9:00 P.M. SATURDAY AND SUNDAY

**NOTE: THE OFFICER WILL CHECK YOUR CELL BEFORE THE INMATE IS ALLOWED TO "ROLL-OUT" OF THE CELL. IF THE INMATE'S CELL IS NOT IN AN ORDERLY MANNER, THE INMATE WILL REMAIN ON LOCKDOWN AND RECEIVE A SANCTION/RESTRICTION.

EACH INMATE WILL KEEP HIS/HER AREA CLEAN AND CLEAR OF LITTER.

NO ITEMS UNDER BUNKS EXCEPT SHOES, AND SHOES MUST BE ALIGNED AT THE END OF THE BUNK.

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE:	DATE:	JAIL NUMBER:
SMITH JIMMY	7-14-05	57598
CURRENT CELL:	CELL I/M MOVED TO (IF APPLICABLE)	
A-1		

TYPE OF SANCTION OR RESTRICTION	DATES START/END
<input type="checkbox"/> WKS SUSPENSION OF TELEPHONE PRIVILEGES	
<input type="checkbox"/> WKS SUSPENSION OF COMMISSARY PRIVILEGES	
<input type="checkbox"/> WKS LOSS OF VISITATION PRIVILEGES	
<input checked="" type="checkbox"/> MINIMUM 72 HOURS CELL RESTRICTION	7-18-05 - 7-20-05
<input type="checkbox"/> OTHER	<u>Sanction dismissed</u>

NOTE: THE SC/O, OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES NO

OFFICER REQUESTING SANCTION/RESTRICTION <u>D. Munn</u>	OFFICER AUTHORIZING SANCTION/RESTRICTION <u>K. P. 7-15-5</u>
---	---

FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

At approximately 0708 WHILE conducting count, I AM Jimmy SMITH had a spoon stuck in lock of cell door A-1. At that time all cell doors should have been secured. I AM SMITH IS IN VIOLATION OF RULE #2 WHICH STATES (SEE BELOW)

This is the second offense for this inmate.

02. WHEN FOREIGN OBJECTS ARE WILLFULLY PLACED IN THE CELL DOORS FOR THE PURPOSE OF BLOCKING THE LOCKING DEVICE, KEEPING THE DOOR HELD OPEN OR DESTROYING THE LOCKING DEVISE, IF THE ACT CANNOT BE ASSOCIATED WITH A PARTICULAR CELL INHABITANT, ALL OCCUPANTS OF THE CELL WILL BE HELD RESPONSIBLE. SINCE IT IS A JAIL REQUIREMENT THAT EACH INMATE KEEP HIS/HER CELL IN PROPER ORDER, FAILURE TO REMOVE FOREIGN OBJECTS FROM THE LOCKING DEVICE WILL BE CONSIDERED AS FAILURE TO OBEY THE RULES. THE APPROPRIATE PUNISHMFT WILL BE ENFORCED FOLLOWING DISCIPLINARY PROCEEDINGS.

REVISED 07/2003 PER WILL McCARTY, JAIL COMMANDER

SIGNATURE OF SC/O OR ASC/O

The Rule 62 states if the act cannot be
dssociated with a particular cell inhabitant.
All ~~occupants~~ Occupants of the cell will be Held
Responsible. My roommate admitted on his Appeal
NOTICE OF APPEAL FOR INMATE SANCTION/RESTRICTION

Inmate Name: Jimmy Smith HC# 57598 POD A Cell 1

Date filing notice of appeal: 7-16-05

On, 7-14-05, 2005, an Inmate Sanction/Restriction was written by Officer Munn,
charging inmate Jimmy Smith, with a violation of Houston County Jail Inmate Rules and Regulations

2

The circumstances of the violations are: That I was accused of putting
a object in the door when my room mated admitted
it was him who put it in there on his appeal.

The sanction found me to be guilty/not guilty of a major/minor offense. Punishment was set at: 72 hrs

Cell restriction

My room mate admitted he put it in the door, And plus it's my first Sanction ever I wish to appeal the decision because: I was not about to argue with him because he has been in the cell before me and I was told to go in there and he's way bigger so I let him do as he feel and I do as I feel cause its both our cell But I don't think its right I get punished when he admitting ~~DO NOT WRITE BELOW THIS LINE - ADMINISTRATION USE ONLY~~

On the 18 day of July, 2005, an appeal of the Sanction/Restriction taken against inmate

Jimmy Smith was reviewed by Conrad McCall, and the following action was taken:

APPEAL APPROVED APPEAL DISAPPROVED OTHER ACTION TAKEN: Sanction Dismissed

Basis for approval/disapproval of appeal: J/M's Roommate admitted he placed spoon in lock-

hereby certify that a completed copy of the foregoing appeal was served on the above named inmate on the 18

of July 2005.

Officer Signature

INMATE SERVED COPY

X

INMATE GRIEVANCE FORM

DATE: 10-18-06 2006 POD/CELL LOCATION: IT-1

INMATE NAME: Smith, Jimmie INMATE NUMBER: 57598

NATURE OF GRIEVANCE OR INFORMATION: On Oct. 18-2006 around 10:45 p.m. My self I'm Smith, Jimmie, and I'm Brown, Jeremy was coming in for the night from our job duties. As we saw officer P. Richardson put I'm Liber, Rachel down. Then we come in door 1011 to come in, officer P. Richardson put I'm Liber, Rachel into O-Rail. My self and I'm Brown, Jeremy was told to put our things down and come on. As I'm Brown, Jeremy turn around to walk off, I stated how come we have to be down why we have to leave. Officer P. Richardson then stated you will do as i say, so I'm Smith put your things

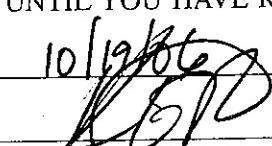
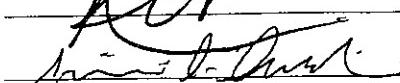
WHAT DO YOU WANT TO HAPPEN TO SOLVE IT? I would like a far investigation on them 3 officers 138, 161 and P. Richardson, about them issue. I really dont think it was right how they did me. All i said was i dont think that's right. I have two witness I'm Brown, Jeremy and officer S. Edestien how they did me. If all this comes out right I ask that the main one that shot me be suspended and will not be allowed to have a taser for a week. Then the other two, be on suspension from carrying a taser for a week. The jail has had problems all ready with them and their taser. All i ask is for a far investigation. Thank You I'm Smith, Jimmie

OFFICER RESPONSE OR FINDING?

SGT. ON DUTY RESPONSE: I'm Smith- your allegations will be investigated. 10/18/06
CJ. Rocco

***** DO NOT SIGN UNTIL YOU HAVE READ RESPONSE *****

DATE GRIEVANCE RETURNED: 10/19/06

CORRECTIONS OFFICER SIGNATURE: INMATE SIGNATURE: 

INMATE GRIEVANCE FORM

DATE: 3-23

2005 6

POD/CELL LOCATION: 7 - 2

INMATE NAME: Smith Jimmie

INMATE NUMBER: 57598

NATURE OF GRIEVANCE OR INFORMATION: On the night of the 21st of Feb
Officer V. Doves was here, i guess well he wrote me up on a sanction,
for talking and dancing in front of the window well; i dont think is
right because, the officer did not work back here. And if that is the
case, why didn't officer ~~Brown~~ Brown did not write me up for that.

WHAT DO YOU WANT TO HAPPEN TO SOLVE IT? ~~Actions~~ I would like for all of this ~~confusion~~ makes to stop. This is getting ridiculous with officer V. Davis, writing me up for every reason. Some one need to talk ~~about~~ to him. This has to stop.

OFFICER RESPONSE OR FINDING?

SGT. ON DUTY RESPONSE: I/M Smith: The allegations against C/o Nieves are presently under investigation. 2/27/02 Lt. K Rose

DATE GRIEVANCE RETURNED:

2-27-2006

CORRECTIONS OFFICER SIGNATURE:

D. Richard

INMATE SIGNATURE:

Linn L. Iris

INMATE GRIEVANCE FORM

DATE: 02-14-06 2006 POD/CELL LOCATION: 17-2

INMATE NAME: Smith, Jimmie INMATE NUMBER: 57598

NATURE OF GRIEVANCE OR INFORMATION: Birth before roll in round 9:55 p.m on the night of Feb. 14, 2006 officer V. Nieves, birth the pencil sharper around to sharpen pencils. Well in line waiting as i get up there to sharpen my pencil officer V. Nieves stated tur up Faget. I dont think that is right for a officer to call some one out a name for no reason. I dont know why he is down my birth. He is all ways writing me up for crazy reason like he write me up for my collar not been turn down. come on that's crazy. If you can look back and see, he have write me up so many times, for crazy things.

WHAT DO YOU WANT TO HAPPEN TO SOLVE IT? So one need to sit down and talk to him, and tell him to leave his ^{attitude} at home, and dont bring it to work. Also he needs a break from back here because when he is back here all he do is try and fine something to write me up for. Also i have write him up to something happen a few days ago, and the ♀ A Pod had sign it. No respon yet. So if something can stop all of this craziness i will be glad. If not i am going to take it to the next lever. By writing ~~the~~ my family and the Sheriff should be notified about this officer. Because i feel he could hurt me or oar, just because he is a officer.

OFFICER RESPONSE OR FINDING?

SGT. ON DUTY RESPONSE: J/M Smith: Your allegation of c/o Nieves is being investigated. Name calling and demeaning slurs will not be tolerated or condoned. This applies to staff and inmates alike. 2/21/06
G. M. Plaza

***** DO NOT SIGN UNTIL YOU HAVE READ RESPONSE *****

DATE GRIEVANCE RETURNED: 2-21-06

CORRECTIONS OFFICER SIGNATURE: *R.M.S.*INMATE SIGNATURE: *Jimmie L. Smith*

INMATE GRIEVANCE FORM

DATE: Feb. 11, 2006

POD/CELL LOCATION: A - Pod

INMATE NAME: Jimmie L. Smith

INMATE NUMBER: S7598

NATURE OF GRIEVANCE OR INFORMATION: C/B Nevies blatantly discriminates against inmates in general. He is very beligerant and indignant towards inmates in A-Pod specifically. When he arrives on shift he comes directly to A-Pod and does his best to provoke confrontation with the red. He has the T.V. turned off for no apparent reason. He communicates with everyone with an attitude of disrespect. An example of his misuse of authority is he allowed the inmates to get a blue bunk for floor and told one inmate (namely) Jimmie Smith # 57598 he couldn't get and did not have a justifiable reason to do so. Then after confronting A-Pod he proceeded to spray another inmate in the face about a blue bunk which we all witnessed, WHAT DO YOU WANT TO HAPPEN TO SOLVE IT?

When we as an inmate population show respect to the administration and in return become disrespected and abused by one particular Officer that Officer becomes a security breach and C/B Nevies fits that criteria and he is prompting a revolt if His use of authority is not either reprimanded or taken. He has no social skills in order to deal with inmates. We want action or action will be taken against him personally. This is in reference to litigation on the Houston County Jail Admin. Inmates in agreement sign below.

OFFICER RESPONSE OR FINDING?

(1) Jimmie L. Smith # 57598

(2) Romeo Lester [REDACTED]

(3) Lindsey Brown # 56617

(4) Kendall Synder # 45895

(5) Don Branch 41438

(6) Corey Johnson 58271

(7) Shawn Callie NS56434

(8) SGT. ON DUTY RESPONSE:

(9) Kenneth Williams Jr. [REDACTED]

(10) [REDACTED] [REDACTED] [REDACTED]

(11) Greg Hartley 57883

(12) [REDACTED] 39619 He Threatened me not 3 minutes before said incident.

(13) [REDACTED] [REDACTED] [REDACTED]

(14) Franklin Thomas # 139196

(15) [REDACTED] [REDACTED]

(16) Charles (Wanda) 45351

(17) James Marshall 54747

L.T. Rocco and Cmdr. McCleary spoke with Jim Smith 2/16/06 in regards to this issue - will look into this - Commandant McCleary 2/16/06

***** DO NOT SIGN UNTIL YOU HAVE READ RESPONSE *****

DATE GRIEVANCE RETURNED:

2-21-06

CORRECTIONS OFFICER SIGNATURE:

RUS

INMATE SIGNATURE:

Jimmie L. Smith

INMATE GRIEVANCE FORM

DATE: 01-13, 2006 POD/CELL LOCATION: C - 3INMATE NAME: Smith, Jimmie INMATE NUMBER: 57598

NATURE OF GRIEVANCE OR INFORMATION: False statement submitted by Sgt. Marsh on the 13th of Jan 06, Sgt. Marsh charge me, Jimmie Smith of possession of pornographic material, a piece of metal off a lighter, and a extra laundry bag. These violations were written up on Jonathan Cochran. The pornographic material was in Jonathan Cochran shoes and the piece of metal was on his bed. As far as the extra laundry bag, It was not mine.

WHAT DO YOU WANT TO HAPPEN TO SOLVE IT? In the future, Sgt Marsh should not write-up one inmate and fully accuse another inmate on that same sanction, i.e. Jimmie Smith on Jonathan Cochran Sanction. I truly hope that Justice will be served.

OFFICER RESPONSE OR FINDING? I'm SMITH you ARE

SGT. ON DUTY RESPONSE: 1/13/06 I'm SMITH you ARE CORRECT, I DID PUT THE WRONG NAME ON THE SANCTION. I APOLOGIZE FOR THAT. I WILL WRITE A NOTE MRS. WALKER TO LET HER KNOW WHAT HAPPENED. HOPEFULLY WE CAN GET THIS TAKEN CARE ~~OF~~ OF. Sgt. Monk

LOSE
YOU WILL STILL ~~LOSE~~ YOUR VISITS FOR THE NO ARM BAND.

***** DO NOT SIGN UNTIL YOU HAVE READ RESPONSE *****

DATE GRIEVANCE RETURNED: 1/14/06

CORRECTIONS OFFICER SIGNATURE: X (A) Jackson

INMATE SIGNATURE: X Jimmie Smith

INMATE REQUEST FORM

Date: 1-21-06

INMATES # 57598 - C Pack

To: Sgt. Marsh

C/O SIGNATURE Dye

From: Jimmie L. Smith

SR C/O SIGNATURE _____

NATURE OF REQUEST To talk to you as soon as possible
 Thank You

ACTION TAKEN 1/21/06 Done Sgt. Marsh

X Jimmie Smith

INMATE REQUEST FORM

Date: 6-12-06

B-unit

INMATES # 57598 A 2

To: Sgt. Buckman

C/O SIGNATURE Sapp

From: Jimmie Smith

SR C/O SIGNATURE _____

NATURE OF REQUEST I need to speak with you tonight when you have time about A-H clean up.

ACTION TAKEN 6/13/06

I'll be down there with the library tonight. You can speak to me at that time. Sgt. Buckman

Jimmie L. Smith

INMATE REQUEST FORM

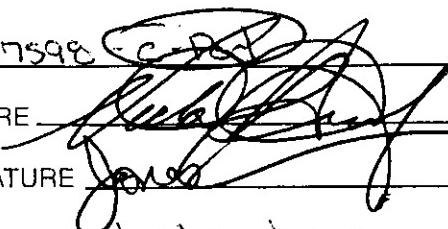
Date: 01-01-06

INMATES # 57598 C-Pad

To: Docket / Records

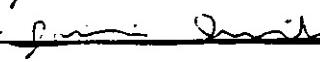
C/O SIGNATURE 

From: Jimmie L. Smith

SR C/O SIGNATURE 

NATURE OF REQUEST To find out when i go to court, and also how much is my Bond. Thank You

ACTION TAKEN

You was Indt. 10/28/05 on all 5 of your cases $5 \times 10,000^{..00}$ is your bond. We have no current court date.  1/2/06 ET

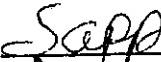
INMATE REQUEST FORM

<-3

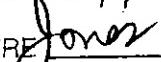
Date: 1-20-06

INMATES # 57598 C-Pad

To: Sgt. Buchman

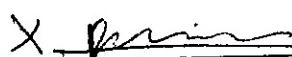
C/O SIGNATURE 

From: Jimmie L. Smith

SR C/O SIGNATURE 

NATURE OF REQUEST I need to talk to you as soon as possible.
Thank You.

ACTION TAKEN 1/21/06 Done Sgt. March



Date: 11-12-05

To: Mrs. Walker

From: Jimmie L. Smith

INMATES # 57598 C-Pad

C/O SIGNATURE *J. Moon*SR C/O SIGNATURE *J.*

NATURE OF REQUEST To get a print out of a account summary

Thank You Jimmie Smith

ACTION TAKEN

11/14/05 ⁽ⁱⁿ⁾ Jim Smith Printout Attached
Jimi Smith

INMATE REQUEST FORM

Date: 12-28-05

INMATES # 57598 C-Pad

To: D. Skelton

C/O SIGNATURE *D. Skelton*

From: Jimmie L. Smith

SR C/O SIGNATURE *J. Jones*

NATURE OF REQUEST I need a new shirt. Thank You

ACTION TAKEN Where or what is wrong with the one
you were issued? Eschel 12/29/05

INMATE REQUEST FORM

Date: 9-20-05

INMATES # 57598

A-Pod

To: Records

C/O SIGNATURE

From: Jimmie L. Smith

SR C/O SIGNATURE

BR

NATURE OF REQUEST I have 2 tickets at the city can some one let them know when i am here so i can take care of them. And Also can you let me know when i go to court for the ~~co~~^{co} county.

ACTION TAKEN

Request faxed to City Magistrate.



INMATE REQUEST FORM

Date: 10-5-05

INMATES # 57598 A - Pod

To: Records Docket

C/O SIGNATURE Puss

From: Jimmie L. Smith

SR C/O SIGNATURE Jones

NATURE OF REQUEST To find out if i got a court date, And how much is my bond?

Thank You

ACTION TAKENNo Court Date At this time -
You have (5) 10,000 Bonds

10/8/05

Jones



INMATE REQUEST FORM

Date: 9-6-05 INMATES # 57598 A-Pod
 To: Sr. Turner C/O SIGNATURE Sapp
 From: Jimmie Smith SR C/O SIGNATURE Jones

NATURE OF REQUEST To go to the law library to look up my cases.

Thank you

DONE 9/19/05

X

Jim : Sapp

Houston Printing Co., Inc • Form #5135 • Rev. 3-98 WO#54

INMATE REQUEST FORM

Date: 9-14-05 INMATES # 57598 A-Pod
 To: Docket C/O SIGNATURE Smith
 From: Jimmie L. Smith SR C/O SIGNATURE Jones

NATURE OF REQUEST To call my Bond's man to come see me
 the # is 334-712-9988 at A-Advantage Bonding his name
 is Dale Quallebaum. Thank You

ACTION TAKEN 9/15/05 Done - Left message with Ed
 Gomill

X Jim : Sapp

INMATE REQUEST FORM

Date: August 23 2005INMATES # 57598 A-PodTo: DocketC/O SIGNATURE COK. MooreFrom: Jimmie Smith

SR C/O SIGNATURE _____

NATURE OF REQUEST

To see if I have any books or
mags.

ACTION TAKEN

No, you do notX Jimmie SmithT.Smith 8-26-05

Houston Printing Co., Inc. • Form #5135 • Rev. 3-98 WO#54

INMATE REQUEST FORM

Date: 8-25-05INMATES # 57598 A-PodTo: Docket C/o Reed

C/O SIGNATURE _____

From: Jimmie L. Smith

SR C/O SIGNATURE _____

NATURE OF REQUEST Is it possible that some one could stop sending my mail all over the jail because i got a letter one day this week & my mom said in the letter that they send me some money but i have not get it yet. I know that it is a other Jimmie Smith in this jail in M-Pod.

Thank You

ACTION TAKEN

Your mail goes to A pod where you are located. If there who ever is writing you to put the correct pod on your letters and you won't have any problems.

8/29/05 X Jimmie Smith

INMATE REQUEST FORM

Date: July 28, 2005 INMATES # 57598
 To: City Magistrate Docket C/O SIGNATURE Barker
 From: Jimmie Smith SR C/O SIGNATURE _____

NATURE OF REQUEST I have 2 tickets for the City. I was wondering if I could get put on Court Docket soon because I am going to bond out of the County jail soon. If not could I get my court date.

ACTION TAKEN The city will call us with your court date, if you bond out before then, call over there and ask them to set you one if they could.

x Jimmie Smith T. Email 7-31-05

Houston Printing Co., Inc. • Form #5135 • Rev. 3-98 WO#54

INMATE REQUEST FORM

Date: 8/10/05 INMATES # 57598 14021
 To: Docket C/O SIGNATURE Sheriff's Office
 From: Jimmie Smith SR C/O SIGNATURE John

NATURE OF REQUEST To see when is my court date
and to see if I have a hearing.

ACTION TAKEN 8-10-05 We don't have any new court dates listed at this time.

X Jimmie

HOUSTON COUNTY SHERIFF'S DEPT.
LAMAR GLOVER, SHERIFF

VISITATION LIST

Last Name Smith First Name Jimmie

Floor Location A-2 Date 2-23-06 I/M # 57598

VISITORS

- | | |
|-------------------------------|---------------------------|
| 1. <u>Smith, Patricia</u> | 5. <u>Davis, Patricia</u> |
| 2. <u>McGowan, Chris</u> | 6. <u>Graves, Kimore</u> |
| 3. <u>Ballew, Mark</u> | 7. _____ |
| Smith. | |
| 4. <u>Whitchead, Patricia</u> | 8. _____ |

BANNED

BANNED

1. _____

2. _____

NOTE TO ALL INMATES:

This is a permanent visitation list. New lists will be issued every three (3) months (March, June, September and December). Names will not be added or deleted from this list.

You are not allowed to have more than two (2) visitors per visitation day. Children, no matter their age, are counted as one (1) visitor. There are no exceptions to this rule.

Every visitor must have a valid ID in order to visit.

Anyone over the age of sixteen (16) must have a valid picture ID in order to visit.

Children under the age of sixteen (16) may use a social security card or school ID card.

I have read the above statements and by signing my name I agree to abide by the above statements.

I/M SIGNATURE Smith, Jimmie L. DATE _____

C/O SIGNATURE Bush DATE 2/23/06

[Signature]

HOUSTON COUNTY SHERIFF'S DEPARTMENT

LAMAR GLOVER, SHERIFF

VISITING LIST

NAME Smith, Jimmie INMATE# 57598

FLOOR LOCATION A-Pod Cell 1 DATE 9-02-05

VISITORS NAME

- | | |
|---------------------------|---------------------------|
| 1. <u>Smith, Patricia</u> | 1. <u>Davis, Patrick</u> |
| 2. <u>Ballou, Mark</u> | 2. <u>Graves, Karmie</u> |
| 3. <u>Haines, Andre</u> | 3. <u>Whitbread, Troy</u> |
| 4. <u>Davis, Patrick</u> | 4. <u>Whithead, Keyon</u> |

BANNED

1. _____ 2. _____

NOTE

THIS IS A PERMANENT VISITING LIST. IT MAY ONLY BE CHANGE AFTER SIX(6)MONTHS. YOU WILL BE ALLOWED A TOTAL OF (8) NAMES ON YOUR VISITING LIST, BUT YOU WILL BE ALLOWED TWO (2) VISITORS TO COME ON YOUR VISITING DAY, CHILDREN (NO MATTER THEIR AGE, COUNT AS ONE VISITOR), AND THERE WILL NOT BE ANY EXCEPTIONS TO THIS RULE. EVERY VISITOR MUST SHOW THEIR VALID PICTURE IDENTIFICATION (DRIVER'S LICENSE/STATE IDENTIFICATION CARD), WITH THE EXCEPTION OF CHILDREN UNDER THE AGE OF SIXTEEN(16), WHO MAY USE THEIR SOCIAL SECURITY CARD.

I HAVE READ THE ABOVE STATEMENTS AND I HAVE LISTED MY (8) VISITORS NAME ABOVE.

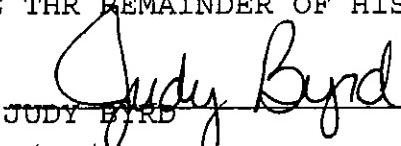
I/M SIGNATURE Jimmie Smith DATE 9-02-05

C/O SIGNATURE Walker DATE _____

COPY

ACR359

**ALABAMA JUDICIAL DATA CENTER
HOUSTON COUNTY
TRANSCRIPT OF RECORD
CONVICTION REPORT**
CC 2005 001776.00 01
SIDNEY E. JACKSON

CIRCUIT COURT OF HOUSTON COUNTY		COURT ORI: 038015 J			
STATE OF ALABAMA SMITH JIMMIE LEE C/O HCJ 901 E MAIN ST DOOTHAN AL 36301	VS. ALIAS: ALIAS:	DC NO: DC 2005 002561.00 G J: 32-10 SSN: 591180251 SID: 0000000000 AIS:			
DOB: 01/29/1983 RACE: ()W (X)B ()O	SEX: M HT: 5 08 COMPLEXION:	WT: 130 HAIR: BLK EYE: BRO AGE: FEATURES:			
DATE OFFENSE: 07/06/2005 ARREST DATE: 10/29/2005 ARREST ORI: 0380100					
CHARGES @ CONV POSS FORGED INSTR	CITES 13A-009-006	CT CL COURT ACTION 01 C GUILTY PLEA 00 00	CA DATE 08/02/2006 00/00/0000 00/00/0000		
JUDGE: SIDNEY E. JACKSON	PROSECUTOR: BINFORD HENRY D				
PROBATION APPLIED (X)Y()N	GRANTED 8-2-06	DATE 9-13-06	REARRESTED DATE ()Y()N	REVOKED ()Y()N	DATE REVOKED ()Y()N
15-18-8 CODE OF ALA 1975 ()Y(X)N	IMPOSED CONFINEMENT: PROBATION:	05 00 000 00 00 000	SUSPENDED 00 00 000 00 00 000	TOTAL 05 00 000 00 00 000	JAIL CREDIT 00 00 435
DATE SENTENCED: 08/02/2006			SENTENCE BEGINS: 09/13/2006		
PROVISIONS	COSTS/RESTITUTION		DUE	ORDERED	
PENITENTIARY CONCURR SENT	RESTITUTION ATTORNEY FEE CRIME VICTIMS COST FINE	\$0.00 \$500.00 \$750.00 \$273.00 \$1500.00	\$0.00 \$500.00 \$750.00 \$273.00 \$1500.00	\$0.00 \$500.00 \$750.00 \$273.00 \$1500.00	\$0.00 \$500.00 \$750.00 \$273.00 \$1500.00
	MUNICIPAL FEES DRUG FEES ADDTL DEFENDANT DA FEES COLLECTION ACCT JAIL FEES	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	TOTAL	\$3023.00	\$3023.00		
APPEAL DATE ()Y(X)N	SUSPENDED ()Y()N	AFFIRMED ()Y()N	REARREST ()Y()N		
REMARKS: THIS IS TO CERTIFY THAT THE ABOVE INFORMATION WAS EXTRACTED FROM OFFICIAL COURT RECORDS AND IS TRUE AND CORRECT.					
AMENDED DEFT REMOVED FROM HOUSTON COUNTY CCO, SENT TO CUSTODY OF THE ALABAMA DEPT OF CORRECTIONS TO SERVE THE REMAINDER OF HIS SENTENCE					
 JUDY BYRD 10/19/2006					

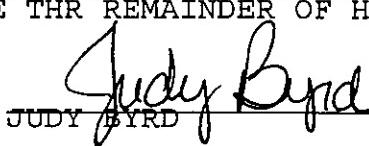
OPERATOR: JTS
PREPARED: 10/19/2006

COPY

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ALABAMA JUDICIAL DATA CENTER
 HOUSTON COUNTY
 TRANSCRIPT OF RECORD
 CONVICTION REPORT

CC 2005 001777.00 01
 SIDNEY E. JACKSON

CIRCUIT COURT OF HOUSTON COUNTY		COURT ORI: 038015 J		
STATE OF ALABAMA SMITH JIMMIE LEE C/O HCU 901 E MAIN ST DOOTHAN AL 36301	VS. ALIAS: ALIAS:	DC NO: DC 2005 002562.00 G J: 33-10 SSN: 591180251 SID: 000000000 AIS:		
DOB: 01/29/1983 SEX: M HT: 5 08 WT: 130 HAIR: BLK EYE: BRO RACE: ()W (X)B ()O COMPLEXION: AGE: FEATURES:				
DATE OFFENSE: 07/06/2005 ARREST DATE: 10/29/2005 ARREST ORI: 0380100				
CHARGES @ CONV POSS FORGED INSTR	CITES 13A-009-006	CT CL COURT ACTION 01 C GUILTY PLEA 00 00	CA DATE 08/02/2006 00/00/0000 00/00/0000	
JUDGE: SIDNEY E. JACKSON	PROSECUTOR: BINFORD HENRY D			
PROBATION APPLIED (X)Y()N 8-2-06	GRANTED ()Y(X)N 9-13-06	REARRESTED DATE ()Y()N	REVOKED DATE ()Y()N	
15-18-8 CODE OF ALA 1975 ()Y (X)N CONFINEMENT: PROBATION:	IMPOSED 05 00 000 00 00 000	SUSPENDED 00 00 000 00 00 000	TOTAL 05 00 000 00 00 000	JAIL CREDIT 00 00 435
DATE SENTENCED: 08/02/2006	SENTENCE BEGINS: 09/13/2006			
PROVISIONS	COSTS/RESTITUTION		DUE	ORDERED
PENTENTIARY CONCURR SENT	RESTITUTION ATTORNEY FEE CRIME VICTIMS COST FINE MUNICIPAL FEES DRUG FEES ADDTL DEFENDANT DA FEES COLLECTION ACCT JAIL FEES	\$0.00 \$500.00 \$750.00 \$273.00 \$1500.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$0.00 \$500.00 \$750.00 \$273.00 \$1500.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$0.00 \$500.00 \$750.00 \$273.00 \$1500.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	TOTAL	\$3023.00	\$3023.00	
APPEAL DATE ()Y(X)N	SUSPENDED ()Y()N	AFFIRMED ()Y()N	REARREST ()Y()N	
REMARKS:	THIS IS TO CERTIFY THAT THE ABOVE INFORMATION WAS EXTRACTED FROM OFFICIAL COURT RECORDS AND IS TRUE AND CORRECT.			
AMENDED DEFT REMOVED FROM HOUSTON COUNTY CCO SENT TO CUSTODY OF THE ALABAMA DEPT OF CORRECTIONS TO SERVE THE REMAINDER OF HIS SENTENCE				
 JUDY BYRD 10/19/2006				

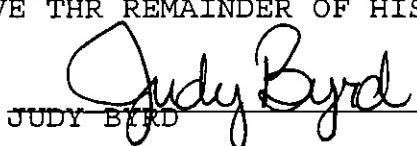
OPERATOR: JIS
 PREPARED: 10/19/2006

COPY

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ALABAMA JUDICIAL DATA CENTER
 HOUSTON COUNTY
 TRANSCRIPT OF RECORD
 CONVICTION REPORT

CC 2005 001778.00 01
 SIDNEY E. JACKSON

CIRCUIT COURT OF HOUSTON COUNTY		COURT ORI: 038015 J		
STATE OF ALABAMA SMITH JIMMIE LEE C/O HCJ DOOTHAN AL 36301	VS. ALIAS: ALIAS:	DC NO: DC 2005 002563.00 G J: 34-10 SSN: 591180251 SID: 000000000 AIS:		
DOB: 01/29/1983 SEX: M HT: 5 08 WT: 130 HAIR: BLK EYE: BRO RACE: ()W (X)B ()O COMPLEXION: AGE: FEATURES:				
DATE OFFENSE: 07/06/2005 ARREST DATE: 10/29/2005 ARREST ORI: 0380100				
CHARGES @ CONV POSS FORGED INSTR	CITES 13A-009-006	CT CL COURT ACTION 01 C GUILTY PLEA 00 00	CA DATE 08/02/2006 00/00/0000 00/00/0000	
JUDGE: SIDNEY E. JACKSON	PROSECUTOR: BINFORD HENRY D			
PROBATION APPLIED (X)Y()N 8-2-06	GRANTED ()Y(X)N 9-13-06	DATE ()Y()N	REARRESTED DATE ()Y()N	
REVOKED ()Y()N			DATE	
15-18-8 CODE OF ALA 1975 ()Y(X)N CONFINEMENT: 05 00 000 PROBATION: 00 00 000	IMPOSED 00 00 000	SUSPENDED 00 00 000	TOTAL 05 00 000	JAIL CREDIT 00 00 435
DATE SENTENCED: 08/02/2006	SENTENCE BEGINS: 09/13/2006			
PROVISIONS	COSTS/RESTITUTION		DUE	ORDERED
PENITENTIARY CONCURR SENT	RESTITUTION ATTORNEY FEE CRIME VICTIMS COST FINE MUNICIPAL FEES DRUG FEES ADDTL DEFENDANT DA FEES COLLECTION ACCT JAIL FEES	\$0.00 \$500.00 \$750.00 \$273.00 \$1500.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$0.00 \$500.00 \$750.00 \$273.00 \$1500.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$0.00 \$500.00 \$750.00 \$273.00 \$1500.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	TOTAL	\$3023.00	\$3023.00	
APPEAL DATE ()Y(X)N	SUSPENDED ()Y()N	AFFIRMED ()Y()N	REARREST ()Y()N	
REMARKS:	THIS IS TO CERTIFY THAT THE ABOVE INFORMATION WAS EXTRACTED FROM OFFICIAL COURT RECORDS AND IS TRUE AND CORRECT.			
AMENDED DEFT REMOVED FROM HOUSTON COUNTY CCO SENT TO CUSTODY OF THE ALABAMA DEPT OF CORRECTIONS TO SERVE THR REMAINDER OF HIS SENTENCE				
 JUDY BYRD 10/19/2006				

OPERATOR: JIS
PREPARED: 10/19/2006

COPY

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**ALABAMA JUDICIAL DATA CENTER
HOUSTON COUNTY
TRANSCRIPT OF RECORD
CONVICTION REPORT**

CC 2005 001779.00 01
SIDNEY E. JACKSON

CIRCUIT COURT OF HOUSTON COUNTY		COURT ORI: 038015 J	
STATE OF ALABAMA VS. SMITH JIMMIE LEE C/O HCJ 901 E MAIN ST DOOTHAN AL 36301		DC NO: DC 2005 002564.00 G J: 35-10 SSN: 591180251 SID: 0000000000 AIS:	
DOB: 01/29/1983 SEX: M HT: 5 08 WT: 130 HAIR: BLK EYE: BRO RACE: ()W (X)B ()O COMPLEXION: AGE: FEATURES:			
DATE OFFENSE: 07/06/2005 ARREST DATE: 10/29/2005 ARREST ORI: 0380100			
CHARGES @ CONV POSS FORGED INSTR		CITES 13A-009-006	
CT CL COURT ACTION 01 C GUILTY PLEA 00 00		CA DATE 08/02/2006 00/00/0000 00/00/0000	
JUDGE: SIDNEY E. JACKSON		PROSECUTOR: BINFORD HENRY D	
PROBATION APPLIED (X)Y()N 8-2-06		GRANTED ()Y(X)N 9-13-06	
DATE REARRESTED DATE ()Y()N		REVOKED DATE ()Y()N	
15-18-8 CODE OF ALA 1975 ()Y (X)N CONFINEMENT: PROBATION		IMPOSED 05 00 000 00 00 000 00 00 000	
TOTAL 05 00 000 00 00 000 00 00 000		JAIL CREDIT 00 00 435	
DATE SENTENCED: 08/02/2006		SENTENCE BEGINS: 09/13/2006	
PROVISIONS		COSTS/RESTITUTION	
PENITENTIARY CONCURR SENT		DUE	
		ORDERED	
		RESTITUTION \$0.00 \$0.00	
		ATTORNEY FEE \$500.00 \$500.00	
		CRIME VICTIMS \$750.00 \$750.00	
		COST \$273.00 \$273.00	
		FINE \$1500.00 \$1500.00	
		MUNICIPAL FEES \$0.00 \$0.00	
		DRUG FEES \$0.00 \$0.00	
		ADDTL DEFENDANT \$0.00 \$0.00	
		DA FEES \$0.00 \$0.00	
		COLLECTION ACCT \$0.00 \$0.00	
		JAIL FEES \$0.00 \$0.00	
		TOTAL \$3023.00 \$3023.00	
APPEAL DATE ()Y()N		SUSPENDED ()Y()N	
		AFFIRMED ()Y()N	
		REARREST ()Y()N	
REMARKS: THIS IS TO CERTIFY THAT THE ABOVE INFORMATION WAS EXTRACTED FROM OFFICIAL COURT RECORDS AND IS TRUE AND CORRECT.			
AMENDED DEFT REMOVED FROM HOUSTON COUNTY CCO, SENT TO CUSTODY OF THE ALABAMA DEPT OF CORRECTIONS TO SERVE THE REMAINDER OF HIS SENTENCE			
JUDY BYRD 10/19/2006			

OPERATOR: JIS
PREPARED: 10/19/2006

Case 1:06-cv-0
57598

ALABAMA OFFICIAL INFORMATION SYSTEM - CASE # 00-24053 002500-00
CASE ACTION: CRIMINAL RUN DATE: 07/07/2008
DISTRICT: CRIMINAL JUDGE: 000
COURT OF: HOUSTON

STATE OF ALABAMA VS SMITH, JIMMIE LEE
9380 103RD ST. LOT 17

CASE: DC 2005 002560.00

JACKSONVILLE, FL 32210 0602

RACE: B HT: 5'08 WT: 130 HIR: BLK EYES: BRN

RECORDED IN CODES OR DATA BY OFFICER: AGENT/DEPUTY/STAFF: D

DATE ARRESTED: 07/06/2005

DATED : FILED: 07/07/2005

DATE RECEIVED:

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DATE : 07/06/2005 DEPT: APPRO

TIME: 0200 G

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TYPE: **TYPE:**

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BRUNNEN VERLAG

DATE ACTIONS, JUDGEMENTS, AND NOTES

Defendant before the Court and advised of his/her rights. Hon. willie

is appointed counsel for the Defendant.

DISTRICT JUDGE

1/9/2005	<p>Defendant before the Court and advised of his/her rights, Hon. <u>Willie Lee Atty.</u> is appointed counsel for the Defendant.</p> <p><u>D. Walker</u></p> <p>DISTRICT JUDGE</p>
----------	---

ACROSS TOP ALABAMA JUDICIAL INFORMATION SYSTEM CJMS - UC FONS 002561.00
 OPER: AMI CASE ACTION SUMMARY RUN DATE: 07/07/2006
 PAGE: 1 DISTRICT CRIMINAL JUDGE: SEJ
 IN THE DISTRICT COURT OF HOUSTON

STATE OF ALABAMA VS SMITH JIMMIE LEE
 CASE: UC 2005 002561.00 7830 103RD ST LOT 17

JACKSONVILLE, FL 32210 0000

DOB: 01/27/1963 SEX: M RACE: B HT: 5'08 WT: 180 MR: BLK EYES: BRD
 SSN: 071-60-561 ALIAS NAMES:

CHARGE(S): POSSE FORGED INSTR CN CODE(S): CFS2 LIT: POSSE FORGED IN TYP: F #1 001
 OFFENSE DATE: 07/06/2005 AGENCY/OFFICER: 0380100 RHETT D

DATE WAR/CAP ISSUED:
 DATE INDICTED:
 DATE RELEASED:
 BOND AMOUNT: \$10,000.00

DATE ARRESTED: 07/06/2005
 DATE FILED: 07/07/2005
 DATE HEARING:
 SURETIES:

DATE 1: 07/06/2005 DEPO: ARPD TIME: 0200 F

DATE 2: DEPO: TIME: 0000

TRACKING NOS: WR 2005 014337 00 /

DEF/ATY:

TYPE:

TYPE:

00000

00000

PROSECUTOR:

OTH CSN: WR200501433700 CHK/TICKET NO: WR2005014337 GRAND JURY: 032-10
 COURT REPORTER: BIG NO: 0000000000

DEF STATUS: JAIL DEMAND: OPER: AMI
 DATE ACTIONS, JUDGEMENTS, AND NOTES

1902005

Defendant before the Court and advised of
 his/her rights, Hon. Winnie City
 is appointed counsel for the Defendant.

Brad Marche, JUDGE

DISTRICT JUDGE

00000073 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: DC 2005 002562.00
 DEFENDER: AMI CASE ACTION SUMMARY RUN DATE: 07/27/2006
 PAGE: 1 DISTRICT CRIMINAL JUDGE: GAO
 IN THE DISTRICT COURT OF HOUSTON

STATE OF ALABAMA

CASE: DC 2005 002562.00

VS SMITH JIMMIE LEE
9386 103RD ST LOT 17

JACKSONVILLE, FL 32210 0000

DOB: 01/27/1983 SEX: M RACE: B HT: 5'08 WT: 130 HRT: BLK EYES: BRD
 SSN: 591186251 ALIAS NAMES:
 CHARGE01: POSS FORGED INSTR 24 CODE01: OFF2 LIT: POSS FORGED IN TYPE: F #1: 001
 OFFENSE DATE: 07/06/2006 AGENCY/OFFICER: obac100 SHETT D

DATE VAR/CAP ISS: DATE ARRESTED: 07/06/2006
 DATE INDICTED: DATE FILED: 07/07/2006
 DATE RELEASED: DATE HEARING:
 BOND AMOUNT: \$10,000.00 SURETIES:

DATE I: 07/06/2006 DEPT: APPD TIME: 0000 0
 DATE II: DEPT: TIME: 0000 0

TRACKING NOS: WR 2005 002562.00 /

DEFENDANT: TYPE: TYPE:
 00000 00000

PROSECUTOR:

CASE: WR200501433800 CHRY/TICKET NO: WR2005014338 GRAND JURY: 033-10
 COURT REPORTER: BID NO: 000000000 OPER: AMI
 STATE: TAIL DEMAND: ACTIONS, JUDGEMENTS, AND NOTES

19/2005

Defendant before the Court and advised of
 his/her rights. Hon. Willie Lee Gao
 is appointed counsel for the Defendant.

Gal Marshall JUDGE
 DISTRICT JUDGE

ALABAMA JUDICIAL INFORMATION SYSTEM CASE# 00-1805-00000000
DATE: 08/27/2010
ACTION: CIVIL ACTION SUMMARY
REPORTER: CROWELL
IN THE DISTRICT COURT OF HOUSTON
RUN DATE: 07/27/2010
JUDGE: BEECH

STATE OF ALABAMA
CASE: DC 2005 002563.00

SMITH JIMMIE LEE
9380 103RD ST LOT 17

RUN DATE: 07/27/2005

JUDGE: 110

07/06/2006

TIME: 0200 E
TIME: 0000

PACKING MOON: NO 2000 014507 00 /

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EXECUTIVE

Defendant before the Court and advised of his/her rights, Hon. William J. - is appointed counsel for the Defendant.

JUDGE
DISTRICT JUDGE

COURT INFORMATION

Name Smith, Timmie

c/o Weaverling

Inmate No. 57598

Remarks and Atty's Name

JUDGE: Mendheim

57598

DOOTHAN POLICE DEPARTMENT ARREST REPORT

CASE# 1-05002430	ITEM# 1	DATE 07/06/05	ARREST TIME 03:47	BOOKING TIME 05/11	<input checked="" type="checkbox"/> ADULT	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> IH4
NAME (LAST, FIRST, MIDDLE) Smith, Jimmie Lee				ALIAS NAMES OR NICKNAMES Haines, Andre			
ADDRESS 9380 103rd St. Lot 17		CITY Jacksonville		STATE FL		ZIP 32210	
HOME PHONE 803-3174	WORK PHONE none	DOB 01/29/83	POB Jacksonville, FL	SSN 591-18-0251			
OLNID S53043283-0290	STATE FL	RACE B	SEX m	ETHNIC ORIGIN black	HEIGHT 5'8	WEIGHT 130	OCCUPATION n/a
EMPLOYER		EMPLOYER ADDRESS					
HAIR COLOR black	HAIR LENGTH short	HAIR STYLE afro	EYE COLOR brown	COMPLEXION medium	FACIAL HAIR none	BUILD slim	
TEETH normal	SPEECH normal	WEAPON HELD		HAND USE right	MARITAL STATUS single	SOBRIETY sober	
CAUTIONS		RELIGION baptist		SCARS, MARKS, TATTOOS none			
SID#	SID#	SID#		FBI#			
RELATED CASE# 1-05006168	SOURCE OFFN	RELATED CASE# 1-0500662		SOURCE Tow H			
RELATED CASE# 1-05000784	SOURCE EVDN	RELATED CASE# 1-05006575		SOURCE CITA			
VIOLATION LOCATION 2800 Ross Clark Circle, Dothan, AL 36305		ZONE 12					
ARREST LOCATION 2800 Ross Clark Circle Dothan, AL 36305		ZONE 12					
<input checked="" type="checkbox"/> ON VIEW	<input type="checkbox"/> CALL	<input type="checkbox"/> WARRANT	<input type="checkbox"/> JPO	COUNTS 1	UCR 9999	STATUTE 13A8194	CLEARED 1
Obstructing Justice Using False Ident							
<input type="checkbox"/> ON VIEW	<input type="checkbox"/> CALL	<input type="checkbox"/> WARRANT	<input type="checkbox"/> JPO	COUNTS 1	UCR 2502	STATUTE 13A-9-6	CLEARED 4
<input type="checkbox"/> ON VIEW	<input type="checkbox"/> CALL	<input type="checkbox"/> WARRANT	<input type="checkbox"/> JPO	COUNTS 1	UCR 1	STATUTE 1	CLEARED 1
<input type="checkbox"/> ON VIEW	<input type="checkbox"/> CALL	<input type="checkbox"/> WARRANT	<input type="checkbox"/> JPO	COUNTS 1	UCR 1	STATUTE 1	CLEARED 1
<input type="checkbox"/> ON VIEW	<input type="checkbox"/> CALL	<input type="checkbox"/> WARRANT	<input type="checkbox"/> JPO	COUNTS 1	UCR 1	STATUTE 1	CLEARED 1
AW#1		AW#2					
AW#3		AW#4					
AW#5		AW#6					
AW#7		AW#8					
AW#9		AW#10					
ARRESTING OFFICER Cpl. L. Nelms / Williamson/202		ID# 418	SHIFT 3	SUPERVISOR ID#			

		STAPLE HERE		LEAVE BLANK				
STATE USAGE <i>X Division - San</i>		STATE USAGE NFF SECOND						
SIGNATURE OF PERSON FINGERPRINTED		SUBMISSION APPROXIMATE CLASS		AMPUTATION SCAR				
		LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX SMITH, JIMMIE LEE						
		SOCIAL SECURITY NO 591180251		LEAVE BLANK				
ALIASES/MAIDEN LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX								
FBI NO.	STATE IDENTIFICATION NO.	DATE OF BIRTH MM DD YY	SEX M	RACE B	HEIGHT 508	WEIGHT 130	EYES BRO	HAIR BLK
1. R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING	5. R. LITTLE				
6. L. THUMB	7. L. INDEX	8. L. MIDDLE	9. L. RING	10. L. LITTLE				
ID 50X50G8 TREC #1107 05:00:21					5701LD #1x 20050707-05:21			
TWO FINGERS TAKEN SIMULTANEOUSLY		L. THUMB	R. THUMB	RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY				

PRIVACY ACT OF 1974 (PL. 93-570) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.

SUCH DISCLOSURE IS ANONYMOUS, SINCE REQUESTER IS UNKNOWN FOR JOHN DOE PURPOSE, AND USES WHICH WILL BE MADE OF IT.		JUVENILE FINGERPRINT	
SUBMISSION	YES <input type="checkbox"/>	DATE OF ARREST MM DD YY	ORI AL0380000
TREAT AS ADULT	YES <input type="checkbox"/>	20050706	CONTRIBUTOR HOUSTON CO SD
SEND COPY TO (ENTER ORI)	DATE OF OFFENSE MM DD YY	ADDRESS DOTHAN AL	REPLY YES <input checked="" type="checkbox"/> Y DESIRED?
MISCELLANEOUS NUMBERS	DATE OF OFFENSE 20050706	PLACE OF BIRTH (STATE OR COUNTRY) FL	COUNTRY OF CITIZENSHIP US
SCARS, MARKS, TATTOOS, AND AMPUTATIONS TAT NECK			
RESIDENCE/COMPLETE ADDRESS 9380 103RD ST. LOT 17	CITY JACKSONVILLE		STATE FL
OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER) J25 TAMALIN SMITH	LOCAL IDENTIFICATION/REFERENCE 57598	PHOTO AVAILABLE? <input type="checkbox"/> YES <input checked="" type="checkbox"/>	PALM PRINTS TAKEN? <input type="checkbox"/> YES <input checked="" type="checkbox"/>
EMPLOYER: IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO UNEMPLOYED		OCCUPATION LABORER	
CHARGE/CITATION 1. 20050706 2506 POSSESS FORGED 2NDX4		DISPOSITION 1	
2.		2	
3.		3	
ADDITIONAL		ADDITIONAL	
ADDITIONAL INFORMATION/BASIS FOR CAUTION		STATE BUREAU STAMP	